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REVIEW OF THE PRESIDENT'S REPORT ON ASSISTANCE TO THE NICARAGUAN OPPOSITION

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HEARING

BEFORE THE

SUBCOMMITTEE ON
WESTERN HEMISPHERE AFFAIRS

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

FIRST SESSION

DECEMBER 5, 1985

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REVIEW OF THE PRESIDENT'S REPORT ON ASSISTANCE TO NICARAGUAN OPPOSITION

THURSDAY, DECEMBER 5, 1985

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS,
Washington, DC.

The subcommittee met, at 9:35 a.m., in room 2172, Rayburn House Office Building, Hon. Michael D. Barnes (chairman of the subcommittee) presiding.

Mr. BARNES. The Subcommittee on Western Hemisphere Affairs will come to order.

We meet this morning to review the President's report on assistance to the Nicaraguan opposition. Our purpose is to assess the progress toward the achievement of U.S. policy objectives that are to be furthered by the provision of U.S. assistance to the opposition.

I do not have a lengthy opening statement, but I would like to note that I remain deeply concerned about the situation in Nicaragua. The political situation in Nicaragua has not been improving. I am deeply troubled by the restrictions on civil liberties and political freedoms in Nicaragua.

I am also deeply disturbed by the continuation of the war. It seems to me that the military situation continues to have dangers for the United States. I think there is a strong bipartisan consensus, certainly here in the Congress, that the United States should not send combat forces to fight in Nicaragua. I am concerned that step by step the United States is becoming committed to the conflict in a way that may lead to what we all oppose.

Before I call on our witnesses, I want to mention to the members that it is my intention to keep this hearing open to the public to the greatest extent possible. Once we have a quorum, I intend to ask for a vote to go into executive session at the call of the Chair to preserve the option of closing the hearing. I do not know that it will be necessary, but we may want to do so if our questions cannot be answered in public.

At this point, I would recognize the distinguished ranking member of the subcommittee.

Mr. STUDDS. No statement, Mr. Chairman.

Mr. BARNES. Any other opening comments?

If not, we are very pleased to welcome our witnesses this morning: the Honorable Elliott Abrams, Assistant Secretary of State for

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Inter-American Affairs; and Ambassador Robert W. Duemling, Director of the Nicaraguan Humanitarian Assistance Office.

Mr. Secretary, we are pleased to have you back before the subcommittee, and we appreciate your presence this morning. We know you have a time constraint that will force you to leave after not too long, but we will be happy to receive your testimony and have as much time for questions as possible.

Welcome.

STATEMENT OF HON. ELLIOTT ABRAMS, ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Mr. ABRAMS. Thank you, Mr. Chairman.

I also have here today, in part because, as you noted, I will have to be leaving at a certain point, William Walker, who is Deputy Assistant Secretary for Central America.

I would like to submit my statement for the record and just read portions of it.

Mr. BARNES. We will include the entire statement in the record.

Mr. ABRAMS. Thank you.

The change of government in Nicaragua opened a new era of hope, not only for that country but for all of Central America. There was a powerful will in Nicaragua and the surrounding countries for a return to democracy and to freedom, and the revolution in Nicaragua was a product of that longing for liberty.

It was a tragedy for Democrats everywhere, but above all for Nicaragua's people, that the FSLN proved either incapable of or unwilling to honor the goals of the revolution, as they expressed those goals in pledges to the OAS.

The United States hoped to see an evolution in the FSLN from the rigid espousal of totalitarian doctrine evident prior to the revolution to a pragmatism responsive to the democratic aspirations of the Nicaraguan people. There has, indeed, been an evolution, but it has not been democratic. The Sandinistas have developed from inexperienced revolutionary theorists to increasingly skilled practitioners of the art of oppression. It is profoundly discouraging. It is a continuing trial for the Nicaraguan people. But, sadly, it is not surprising.

STATE OF EMERGENCY MEASURES

We have all talked about the new state of emergency, the measures put into effect on October 15. But that was really the codification of facts of life with which Nicaraguans have lived for years. They have been moving toward a single-party state since the beginning.

The decree is significant. Until October 15, the Sandinistas had moved carefully to silence the opposition, aware that the continued existence of a token independent sector was key to the continuation of vital economic and political support from the free world.

What is new is not the state of emergency itself, but the scope and intensity of the assault against virtually all elements of the civil opposition. The Sandinistas appear to have chosen to bear the international costs of this course of action, and they now apparent-

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ly intend to carry the campaign through to final victory; that is to say, communism in Nicaragua.

So, October 15 may prove to have been a watershed, the point at which the Sandinistas concluded that the benefits of playing the democratic charade were outweighed by the perceived dangers of freedom.

Who are the victims of the Sandinista vendetta? Who are the false oppositionists and false revolutionaries? In both their public statements and their punitive actions, the Sandinistas themselves have made clear that the intended victims are the churches—and, in particular, the influential Catholic Church—the private sector, the political opposition, the remaining free press, and the independent labor unions. They are the enemies of the revolution because they will not submit to the control of the Sandinista regime.

REPRESSION OF THE CHURCH

Their existence, their independence, threatens the consolidation of power by the Sandinistas. This is particularly true of the Catholic Church, which has championed the cause of liberty and human rights, and which has immense influence over the population.

The Sandinistas have long tried to weaken the church through the establishment of the so-called popular church and through provocations and slander against prominent churchmen. The popular church, however, has not managed to increase noticeably its small circle of adherents, and the attacks on church leaders have only rallied the faithful to their defense.

Having failed to undermine the church, the regime has now embarked on a more direct assault. I would like to submit for the record a chronology of recent Sandinista actions against the Nicaraguan church which details this unfortunate pattern of repression.

The strategy is clear: To use force to prevent the public from attending the Cardinal's masses; to establish the basis for action against church leaders as counterrevolutionaries; to deprive the church of the means of communication with the faithful; and to strike a crippling blow at the heart of the church by expelling foreign priests and inducting into the military Nicaraguans who are in seminaries training to replace them.

This goes beyond the Catholic Church. Protestants, too, are under attack. Since November 1, the regime has carried out a campaign of intimidation, calling in leaders of various evangelical organizations for grueling and abusive interrogations.

This same pattern of intimidation is used against the private sector, the independent labor unions, the political opposition, and the press. La Prensa did not publish Monday of this week, as it happens, because of the extent of censorship.

INTERROGATION OF NICARAGUAN EMPLOYEES OF THE U.S. EMBASSY IN MANAGUA

Another element of this hits us in a more personal way. Since the end of October, 16 of the Nicaraguan employees of the U.S. Embassy in Managua have been summoned for interrogations that have lasted from 6 to 13 hours. The interrogations were not for the

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purpose of eliciting information; indeed, the inquisitors taunted the victims with samples of their purportedly exhaustive knowledge of their personal lives and activities.

The intent was to degrade, humiliate, and terrorize these innocent persons. They were photographed, weighed, measured, and fingerprinted; some were forced to strip naked. They were then submitted to psychological abuse, from repeated charges of collusion with the counterrevolution and the CIA to threats of reprisal against themselves and their families.

All of the employees were led to believe that they would be under surveillance and could expect more of the same unless they became cooperative. In every case, the charges against the victims were wholly without foundation. The true crime of which all were guilty was their employment with the U.S. Embassy.

The current assault on the rights of Nicaragua's people has drawn the attention of the international community to the internal situation in Nicaragua. But abuses of this sort have been prevalent in Nicaragua for some time. In fact, it is these abuses that has given rise to the resistance and now feeds the growing civil war.

GROWTH OF THE ARMED RESISTANCE

The Sandinistas deny that. They will not admit that the armed resistance is a response to their own policies. What motivates tens of thousands to take up arms in a military struggle in which the balance of force is overwhelmingly against them? The answer is both fear and hope—fear of a deepening repression not seen in the worst days of the Somoza regime; and hope that the democratic goals of the revolution can still be realized.

These two powerful emotions have contributed to the remarkable and consistant growth of the armed resistance, today counting over 18,000 men and women in the FDN alone.

In our report to Congress on November 6, we addressed the issue of human rights and the record of both the Sandinistas and the armed resistance in this area. We took seriously our obligation to examine these matters and to relay as accurately as possible the situation as it exists today.

HUMAN RIGHTS RECORD OF THE UNITED NICARAGUAN OPPOSITION

As we noted in that report, the United Nicaraguan Opposition, which represents the Nicaraguan Democratic Force, the Democratic Revolutionary Alliance, and the Indian-Creole alliance KISAN, has taken steps not only to punish those found guilty of human rights abuses, but to educate its largely peasant troops on their responsibilities to civilian noncombatants and to enemy prisoners.

As our report to Congress made clear, there are strong grounds for skepticism concerning many of the charges of abuse leveled against the armed resistance. We presented specific instances in which testimony from witnesses had indicated that the reports publicized by the Sandinistas through the state media were either false or represented abuses committed by the Sandinistas themselves and attributed to the resistance.

But the most telling response to Sandinista propaganda accusations of human rights abuses has been the warm reception resist-

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ance troops are accorded in areas in which they operate. That popular support was the motive for the mass evacuation at Sandinista orders of most of northern Nicaragua and the resettlement of the Atlantic coast Indians into camps under Sandinista control. We will continue to encourage UNO's efforts to keep its record clean; we will continue to monitor the behavior of its troops. But we will refrain from castigating it solely on the basis of Sandinista charges.

PROGRESS OF THE NICARAGUAN HUMANITARIAN ASSISTANCE OFFICE

Our report to Congress also detailed the work done to date by the Nicaraguan Humanitarian Assistance Office [NHAO]. Thus far, $13.35 million has been obligated for direct humanitarian assistance, and $3.77 million expended in controlled grants to UNO for the purchase of food, clothing, medicine, and medical care, and nonlethal equipment.

In addition to this medical assistance, NHAO is establishing a medical hospice as part of a program for restorative surgery for those who are seriously injured. Funds have also been provided for the transport of goods and supplies to the field.

Records of transactions, including itemization of products and services purchased, are maintained by NHAO. NHAO has in place systems regulating the scrutiny of assistance requests and proposed contracts, and payment disbursal to authorized suppliers. The key concerns are to ensure that expenditures are commensurate with the value of goods purchased, that goods and services are being offered at a fair price, and that payment is made directly to the suppliers.

PRINCIPLES GUIDING UNITED STATES POLICY TOWARD NICARAGUA

I would like to emphasize the principles that guide our policy toward Nicaragua. The United States seeks the fulfillment of the pledges made by the Sandinistas to the OAS in 1979 to establish a pluralist, political system guaranteeing to all Nicaraguans their full civil, political, and religious liberties; the termination of security and military ties with the Soviet bloc and Cuba, and departure of those countries' security/military personnel from Nicaragua; the cessation of all material and logistical support for insurgencies and for terrorism in El Salvador and other Central American countries; and the reduction of Nicaragua's military apparatus to a level commensurate with those of its neighbors.

We believe that the various elements of our policy toward Nicaragua support those goals. Our assistance to the democratic armed resistance helps those prepared to fight for freedom to maintain pressure on the Sandinistas to enter a meaningful dialog with a view to opening Nicaraguan society to legitimate political dissent. Our trade sanctions deny the Sandinistas access to our substantial market to finance their totalitarian agenda.

At the same time, we continue to support the Central American nations in their difficult search for a mutually acceptable, verifiable, and comprehensive agreement based on the 21 points of the September 1983 Contadora document of objectives.

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PROSPECTS FOR NATIONAL RECONCILIATION THROUGH DIALOG

A crucial element in both the Contadora negotiations and in our bilateral relations with Nicaragua is the need for national reconciliation. It is a concept that applies equally to all countries faced with violent civil conflict. Until the Sandinistas demonstrate the will to resolve the deep differences dividing Nicaragua—not by force, but by dialoge and reconciliation—the strife that threatens regional stability will not end.

Both the civil and armed opposition in Nicaragua have given voice to their desire and willingness to participate in such a dialog. On February 22, the civil opposition issued a proposal for talks, accompanied by the restoration of civil liberties, a general amnesty, and pardon for political prisoners, guarantees of the safety of participants from the armed opposition, and implementation of such measures under the supervision of guarantor governments.

On March 1, the armed opposition offered its own proposal, the basic elements of which were a church-mediated dialog accompanied by a cease-fire.

On March 22, the Nicaraguan Catholic Church hierarchy reiterated its support for national dialog and offered its services as mediator.

On April 4, President Reagan gave his own support to the concept, offering to withhold military assistance to the armed opposition if the Sandinistas would accept the March 1 proposal of the armed resistance.

The Sandinistas rejected each of these offers and have made clear repeatedly in the interim that they have no intention of seeking national reconciliation except through the barrel of a gun.

The United States will continue to seek the peaceful resolution of the Nicaraguan conflict and to support a regional settlement acceptable to all Central Americans. We will not, however, abandon either the many Nicaraguans who have pledged their lives to the pursuit of liberty, or our Central American allies whose own fragile democracies hang in the balance.

Thank you, Mr. Chairman.

[Mr. Abrams' prepared statement follows:]

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PREPARED STATEMENT OF HON. ELLIOTT ABRAMS, ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Mr. Chairman:

Thank you for offering me this opportunity to review the current state of affairs in Nicaragua.

The 1979 change of government in Nicaragua opened a new era of hope not only for that country, but for all of Central America. The overthrow of Somoza expressed a powerful national and regional will to democracy and freedom. Nicaraguans, it was generally believed, would be able to enjoy the fruits of liberty and to determine the government by which they would be ruled.

Although today the Sandinistas claim the revolution as their own, Humberto Ortega more accurately reflected reality when he admitted in 1980 that the revolt against Somoza:

> "...was a spontaneous reaction on the part of the masses which, in the end, the Sandinista Front began to direct through its activists and a number of military units. It was not a mass movement responding to a call by the Sandinistas; it was a response to a situation that nobody had foreseen."

The United States recognized and respected the need for change in Nicaragua, and made strenuous efforts over many months to bring the violence to a peaceful end that would satisfy the aspirations of the Nicaraguan people.

At the same time, the United States was aware that the strongest and most cohesive of the groups sharing power in the new Government of National Reconstruction (GRN) -- the Sandinista National Liberation Front (FSLN) -- was the product of years of nurturing by Cuba and other totalitarian states. The United States was aware that many key Sandinista leaders had previously expressed views on government and society that are antithetical to democratic values. To encourage and strengthen moderate tendencies within the GRN, the United States acted swiftly to provide the new government with economic and humanitarian assistance that would facilitate the

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development of democratic processes. We provided $119 million dollars in bilateral economic assistance, the largest single assistance package by any country to the new government. We maintained an open-door policy with the new Nicaraguan leaders, both listening to their views and requests, and offering our own advice.

It was a tragedy for democrats everywhere, but above all for Nicaragua's people, that the FSLN proved either incapable of or unwilling to honor the goals of the revolution, as expressed in the pledges made to the Organization of American States in July 1979 and that they have lacked the imagination to combine the spirit of nationalism with democratic institutions. The Sandinistas did not initially spurn U.S. financial assistance; but they turned very quickly to other sources for political guidance: the Soviet Union, its allies in Eastern Europe, and Cuba. No sooner was the FSLN settled in a position of power than it began to implement its theory of "internationalist solidarity" by providing arms and other support to the Salvadoran guerrillas. The unwillingness of the Sandinistas to abandon their role in the destabilization of El Salvador, despite detailed diplomatic representations by the United States, contributed decisively to the tension in bilateral relations.

Nicaragua's longstanding and continuing intervention against its immediate neighbors can be summarized in three types of activities:

First, almost precisely a year after the fall of Somoza in July 1979, the Sandinistas began a major effort to help guerrilla forces overthrow the Government of El Salvador by repeating the strategy followed by the Sandinistas in their own final offensive against Somoza. As a direct result of support by Nicaragua and other states using Nicaragua as a conduit, the Salvadoran guerrillas were transformed from terrorist factions that had been limited to robberies, kidnappings, and occasional street violence into an organized armed force able to mount a coordinated nationwide offensive, inflicting significant loss of life and economic damage on El Salvador. Although the first intervention failed in January 1981, the Sandinistas have continued to ship and store arms and to provide training, headquarters, and coordination on Nicaraguan territory for a new "prolonged war" strategy. Sandinista support continues to be an esential element in the training, communications, and logistics systems of the Salvadoran guerrillas.

Second, Sandinista security services have, both directly and indirectly, through training, supply, and support of subversive groups in Honduras and Costa Rica, engaged in bombings, assassinations, and other unlawful attacks against the people and institutions of those nations. In Honduras, they supported "vanguard" groups first to supply the attack on El Salvador, then to engage in kidnapping, hijacking and more recently in efforts to establish guerrilla fronts in the

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Honduran Departments of Olancho (in 1983) and El Paraiso (in 1984 and 1985). In Costa Rica, the Sandinistas redirected alliances established during the anti-Somoza struggle to support the expanded insurgency in El Salvador, provided covert support and training for the paramilitary wings of far left groups, and supported several terrorist actions.

And third, the Sandinistas' military buildup threatens Nicaragua's neighbors. It has emboldened the Sandinistas to engage in military incursions into the territories of Honduras and Costa Rica, incursions in which citizens of these and other countries have died as a direct result of Nicaraguan military actions.

The details of this consistent pattern of armed intervention in the internal affairs of other countries by the current Nicaraguan government and its agents have been documented fully in a recent State Department Study. I hereby enclose for the record a copy of this study, Special Report No. 132 of September 1985, entitled "Revolution Beyond Our Borders: Sandinista Intervention in Central America."

Sandinista policies towards Nicaraguans have demonstrated an inflexible intransigence similar to the Sandinistas' interventions against Nicaragua's neighbors. The United States initially hoped to see an evolution in the FSLN from the rigid espousal of totalitarian doctrine evident prior to the revolution to a pragmatism responsive to the democratic aspirations of the Nicaraguan people. There has, indeed, been an evolution, but it has not been democratic. The Sandinistas have developed from inexperienced revolutionary theorists to increasingly skilled practitioners of the art of oppression. It is profoundly discouraging; it is a continuing trial for the Nicaraguan people; but, sadly, it is not surprising.

Much has been made of the October 15 1985 announcement by Daniel Ortega of a "new" State of Emergency. In fact, the official suspension of all basic civil liberties -- including freedom of the press, freedom of assembly, freedom of expression, and freedom from arbitrary imprisonment -- was merely the codification of facts of life with which Nicaraguans have lived for years. The movement toward a single-party state, in which independent thought or activity is perceived and treated as counterrevolution, has been clear for some time.

That is not to say, however, that the decree is not significant. Until October 15, the Sandinista regime had moved against the opposition with care, aware that the continued existence of a token independent sector was key to the continuation of vital economic and political support from the free world. What is new is not the State of Emergency itself, but the scope and intensity of the assault against virtually all elements of the civil opposition. Having chosen to bear

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the international costs of this course of action, the Sandinistas now apparently intend to carry the campaign through to "final victory" -- toward a state in which there is only one truth, one voice, and one course of action. October 15 may well prove to have been a watershed: the point at which the Sandinistas concluded that the benefits of playing the democratic charade were outweighed by the perceived dangers of freedom to the Sandinistas' political monopoly.

Who are the victims of the Sandinista vendetta? Who are the "false oppositionists and false revolutionaries?" In both their public statements and their punitive actions, the Sandinistas themselves have made clear that they define "counterrevolutionaries" to include the churches -- and in particular the influential Catholic Church -- the private sector, the political opposition, the remaining free press, and the independent labor unions. These many different groups are all "enemies of the revolution" because they will not submit to the control of the Sandinista regime. They threaten the consolidation of power by the FSLN.

The Catholic Church has defended liberty and human rights against both Somoza and the Sandinistas. Its dedication to those causes, and its immense influence over Nicaragua's overwhelmingly Catholic population, have set it in opposition to the totalitarian purposes of the regime. The Sandinistas have long tried to weaken the Church through the establishment of the so-called "Popular Church," and through provocations and slander against prominent Churchmen. The Popular Church, however, has not managed to increase noticeably its small circle of adherents, and the attacks on Church leaders have only rallied the faithful to their defense.

Having failed to undermine the Church, the regime has now embarked on a more direct assault. In the Appendix to this statement, I am submitting for the record a chronology of recent Sandinista actions against the Nicaraguan Church which details this unfortunate pattern of repression.

The strategy is clear: to use force to prevent the public from attending the Cardinal's masses; to establish the basis for action against Church leaders as "counterrevolutionaries;" to deprive the Church of the means of communication with the faithful; and to cripple the Church by expelling foreign priests and inducting into the military those Nicaraguans studying for the priesthood who could replace them.

The Sandinistas are not confining their assault on religion only to Catholics. Protestants,too, are under attack. Since November 1, the regime has carried out a campaign of intimidation, calling in leaders of various evangelical organizations for grueling and abusive interrogations.

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This same pattern of intimidation is used against the private sector, the independent labor unions, the political opposition, and the press. We are seeing increasingly frequent arrest and interrogation of activists and leaders; seizure of personal and official correspondence and documents, as well as private property; and the use of force to prevent assembly. LA PRENSA, the last remnant of Nicaragua's free press, is so heavily censored that it now publishes little more than international news reprints and filler material.

Another element of the latest campaign against the opposition touches us in a very personal way. Since October 31, sixteen of the Nicaraguan employees of the U.S. Embassy in Managua have been summoned for interrogations that have lasted from six to thirteen hours. The interrogations were not for the purpose of eliciting information. Indeed, the inquisitors taunted the victims with samples of their purportedly exhaustive knowledge of their personal lives and activities. The intent was to degrade, humiliate, and terrorize these innocent persons. They were photographed, weighed, measured, and fingerprinted; some were forced to strip naked. They were then submitted to psychological abuse, from repeated charges of collusion with the "counterrevolution" and the C.I.A. to threats of reprisal against themselves and their families. They were probed concerning their views of the revolution, their relations with the Church, the political opposition, and their U.S. employers, and warned that they had no rights under the State of Emergency and were thus at the mercy of the regime. All of the employees were led to believe that they would be under surveillance and could expect more of the same unless they became "cooperative." In every case, the charges against the victims were wholly without foundation. The true "crime" of which all were guilty was their employment with the United States Embassy.

The current assault on the rights of Nicaragua's people has drawn the attention of the international community to the internal situation in Nicaragua. But abuses of this sort have been prevalent in Nicaragua for some time. It is precisely this drive toward totalitarianism that spawned resistance to the Sandinistas and now feeds the growing civil war.

The Sandinistas will not admit that the armed resistance is a response to their own policies. What motivates tens of thousands to take up arms in a military struggle in which the balance of force is overwhelmingly against them? The answer is both fear and hope: fear of a deepening repression not seen in the worst days of the Somoza regime; and hope that the democratic goals of the revolution can still be realized. These two powerful emotions have contributed to the remarkable and consistent growth of the armed resistance, today counting over 18,000 men and women in the FDN alone. Despite the hardships and the sacrifice, the disparate groups of the resistance -- the Latins, the Indians and the Creoles -- have come together in pursuit of a single goal and motivated by the

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same perception: that the only chance for liberty is through work and struggle together against Sandinista repression. The factor common to the lives of all these people is that they have experienced the reality of Sandinista rule.

In our report to Congress of November 6, we addressed the human rights record of both the Sandinistas and the armed resistance. As we noted in that report, the United Nicaraguan Opposition (UNO), which represents the Nicaraguan Democratic Force, the Democratic Revolutionary Alliance, and the Indian-Creole alliance KISAN, has taken steps not only to punish those found guilty of human rights abuses, but to educate its largely peasant troops on their responsibilities to civilian non-combatants and to enemy prisoners.

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The most telling response to Sandinista propaganda accusations of human rights abuses has been the warm reception resistance troops are accorded in areas in which they operate. That popular support was the motive for the mass evacuation at Sandinista orders of most of northern Nicaragua and the resettlement of the Atlantic Coast Indians into camps under Sandinista control. We will continue to encourage UNO's efforts to keep its record clean; we will continue to monitor the behavior of its troops; but we will refrain from castigating it solely on the basis of Sandinista charges.

Our report to Congress also detailed the work done to date by the Nicaraguan Humanitarian Assistance Office (NHAO). Thus far, $9.57 million has been obligated for direct humanitarian assistance, and $3.77 million expended in controlled grants to UNO for the purchase of food, clothing, medicine and medical care, and non-lethal equipment. In addition to this medical assistance, NHAO is establishing a medical hospice as part of a program for restorative surgery for those who are seriously injured. Funds have also been provided for the transport of goods and supplies to the field.

Records of transactions, including itemization of products and services purchased, are maintained by NHAO. NHAO has in place systems regulating the scrutiny of assistance requests and proposed contracts, and payment disbursal to authorized suppliers. The key concerns are to ensure that expenditure is commensurate with the value of goods purchased, that goods and services are being offered at a fair price, and that payment is made directly to the suppliers. These procedures further enable NHAO to exercise its oversight responsibility to ensure the observance of legislative guidelines concerning the types of assistance to be provided.

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While NHAO reports no difficulties in supervision of procurement within the United States -- where suppliers' bona fides can be easily checked and inspection of goods at warehouses and transport points is possible -- there are more problems with purchases made in Central America. Due to sensitivities of the local authorities, NHAO has not been able to place representatives in the field to monitor procurement and delivery. However, NHAO has requested and obtained detailed record-keeping and invoices, and has obtained corroboration from U.S. government agencies.

In closing this statement, I would like to emphasize the principles that guide our policy toward Nicaragua. The United States seeks the fulfillment of the pledges made by the Sandinistas to the O.A.S. in 1979 to establish a pluralist political system guaranteeing to all Nicaraguans their full civil, political and religious liberties; the termination of security and military ties with the Soviet bloc and Cuba, and departure of those countries' security/military personnel from Nicaragua; the cessation of all material and logistical support for insurgencies in El Salvador and other Central American countries; and the reduction of Nicaragua's military apparatus to a level commensurate with those of its neighbors.

We believe that the various elements of our policy toward Nicaragua support those goals. Our assistance to the democratic armed resistance helps those prepared to fight for freedom to maintain pressure on the Sandinistas to enter a meaningful dialogue with a view to opening Nicaraguan society to legitimate political dissent. Our trade sanctions deny the Sandinistas access to our substantial market to finance their totalitarian agenda. At the same time, we continue to support the Central American nations in their difficult search for a mutually acceptable, verifiable, and comprehensive agreement based on the 21 points of the September 1983 Contadora Document of Objectives. We continue to believe that the most effective guarantee for the long-term security of the Central American region is the development within each country of democratic systems respecting the rights of all people; the significant improvement of national economies; and the conduct of intra-regional relations based on mutual restraint, mutual trust, and respect for the concepts of sovereignty and territorial integrity.

A crucial element in both the Contadora negotiations and in our bilateral relations with Nicaragua is the need for national reconciliation. It is a concept that applies equally to all countries faced with violent civil conflict. Until the Sandinistas demonstrate the will to resolve the deep differences dividing Nicaragua not by force, but by dialogue and reconciliation, the strife that threatens regional stability will not end.

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Both the civil and armed opposition in Nicaragua have given voice to their desire and willingness to participate in such a dialogue. On February 22, the civil opposition issued a proposal for talks, accompanied by the restoration of civil liberties; a general amnesty and pardon for political prisoners; guarantees of the safety of participants from the armed opposition; and implementation of such measures under the supervision of guarantor governments. On March 1, the armed opposition offered its own proposal, the basic elements of which were a Church-mediated dialogue accompanied by a cease-fire. On March 22, the Nicaraguan Catholic Church hierarachy reiterated its support for national dialogue and offered its services as mediator. On April 4, President Reagan gave his own support to the concept, offering to withhold military assistance to the armed opposition if the Sandinistas would accept the March 1 proposal of the armed resistance. The Sandinistas rejected each of these offers, and have made clear repeatedly in the interim that they have no intention of seeking national reconciliation except through the barrel of a gun.

The United States will continue to seek the peaceful resolution of the Nicaraguan conflict and to support a regional settlement acceptable to all Central Americans. We will not, however, abandon either the many Nicaraguans who have pledged their lives to the pursuit of liberty, or our Central American allies whose own fragile democracies hang in the balance.

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APPENDIX
RECENT ACTIONS AGAINST THE CATHOLIC CHURCH BY THE SANDINISTA REGIME

-- In September, eleven youths in preparation for the priesthood were forcibly inducted into the military in violation of an understanding that seminarians would be exempt from the draft;

-- On three occasions since September 1, Radio Catolica offices have been raided by armed agents of State Security and broadcasts of Cardinal Obando y Bravo's sermons terminated. On October 30, the station was closed for 48 hours by order of the Ministry of Interior for broadcasting an uncensored sermon on the lives of the saints;

-- LA PRENSA's reports on actions against the Church, and increasingly on anything relating to the Church, are regularly suppressed by the censors;

-- Foreign priests have been warned, both directly and through the Church hierarchy, that they will be deported if their "political" activities continue. In view of the significant percentage of Nicaragua's clergy which these priests represent, the threat is serious;

-- The first issue of the new Church journal, LA IGLESIA, was confiscated on October 12, and Church printing offices raided. All the printing equipment, plates, and negatives were seized and the Church application for state permission to print the newspaper was rejected;

-- On October 15, Commandante Lenin Cerna, Chief of State Security, led a raid on the Curia's Social Services offices. Workers were ejected and Curia spokesman Monsignor Bismarck Carballo was physically removed from the premises following Cerna's threat to shoot him. Cardinal Obando was verbally abused and barred from entering the Curia offices;

-- On October 16, the Ministry of the Interior issued a communique denying that Curia offices had been occupied and terming Monsignor Carballo's activities "a clear and open challenge to the authorities;"

-- BARRICADA, the FSLN newspaper, ran features directly attacking Cardinal Obando and Monsignor Carballo; Cardinal Obando was labeled a "central personality" in the counterrevolution;

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-- On October 20, State Security set up roadblocks on the road to Esteli, where Cardinal Obando was to deliver mass. Vehicles were stopped and searched. Esteli was hung with banners declaring "Your Silence is Complicity," the theme of BARRICADA's October 19 attack on the Cardinal;

-- On October 21, Vice President Sergio Ramirez declared in a press conference that the Curia Social Services office was an "illegal" organization;

-- On October 26, police set up roadblocks on the road to Juigalpa-La Libertad, where Cardinal Obando was to deliver mass. Trucks and buses carrying thousands of worshippers were prohibited from passing. State Security also warned Church officials that, should the faithful from Juigalpa travel to La Libertad to attend Obando's mass, all foreign priests from Chontales Department would be deported;

-- In an October 26 interview with EL PAIS of Madrid, Tomas Borge described Cardinal Obando as "the siamese twin of President Reagan" and warned that the Sandinistas would seek to "neutralize him" in the political and ideological fields;

-- Vice President Sergio Ramirez, during a trip to Brazil, told reporters on November 3 that Cardinal Obando "is practically questioning the legitimacy of the Sandinista government...He acts like a politician...and we should treat him like a politician;"

-- By November 4, Church officials reported, State Security had significantly stepped up its interrogations of Catholic lay workers;

-- Curia employee Julio Rodas Anaya, a Salvadoran working as the Curia's technical advisor for printing, was deported for "counterrevolutionary activities." His family was placed under armed guard, and his home and personal possesions were confiscated;

-- On November 11, the Ministry of Justice rejected Church demands that Curia premises be returned, noting that Curia offices were under investigation for illegally "competing" with the state in the provision of education, health care, and housing, and for carrying out "propaganda activities of a marked political orientation;"

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-- Eight priests from the Managua area were summoned for interrogation on November 12. One priest was struck, and another was chloroformed and set up to be filmed in a highly compromising situation. He regained consciousness before the operation could be completed. The priests were charged with making political statements in their sermons, including specifically a "call for reflection" by the commandantes and another for the return of Curia offices. The mother of one of the priests was called in for interrogation;

-- The same day, in dawn raids on their homes by State Security, twelve persons were arrested for arranging a public reception for the Cardinal in Chinandega. The men and women, all charged with violating the State of Emergency, were taken to facilities in Leon and El Chipote prison in Managua.

SUBCOMMITTEE REQUEST TO THE GENERAL ACCOUNTING OFFICE FOR ASSISTANCE

Mr. BARNES. Thank you very much, Mr. Secretary.

As you may know, the subcommittee requested the General Accounting Office to do an analysis of its accounting process with respect to this program, which is under the jurisdiction of this subcommittee to assist us in honoring and in compliance with the legislation that authorized the establishment of the Nicaraguan Humanitarian Assistance Office and the expenditure of $27 million in humanitarian assistance.

The GAO informed the subcommittee in a letter yesterday that the State Department has not as yet been cooperating in that effort to oversee the disbursement of the $27 million.

Unless there is objection, I would include in the record this letter that the subcommittee has received from Frank C. Conahan, Director of the National Security and International Affairs Division of the U.S. General Accounting Office. It includes a chronology of events of the GAO's efforts to seek cooperation in its oversight from the State Department.

[The letter follows:]

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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

NATIONAL SECURITY AND
INTERNATIONAL AFFAIRS DIVISION

(CC-86-28)

DEC 4 1985

The Honorable Michael D. Barnes
Chairman, Subcommittee on Western
Hemisphere Affairs
Committee on Foreign Affairs
House of Representatives

Dear Mr. Chairman:

On November 5, 1985, we notified the Department of State that, at your request, we were initiating a review of U.S. humanitarian assistance provided to the Nicaraguan Contras.

Since that time, we have repeatedly sought to begin work. Ambassador Duemling, Director of State's Nicaraguan Humanitarian Assistance Office (NHAO), told us he was unable to meet with us until he cleared the meeting through the interagency group, which was set up to formulate basic NHAO policy and exercise oversight. On December 3, the Ambassador scheduled a meeting with GAO representatives for December 6.

As requested by your office, we are enclosing a chronology which describes the steps taken by our staff to begin the review together with the response of NHAO to our efforts.

Sincerely yours,

Frank C Conahan

Frank C. Conahan
Director

Enclosure

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GAO REVIEW OF U.S. HUMANITARIAN ASSISTANCE
TO THE NICARAGUAN CONTRAS

November 5, 1985 - Secretary of State notified of GAO review.

November 6, 1985 - Ambassador Duemling, Director, Nicaraguan Humanitarian Assistance Office (NHAO), Department of State, provided copy of notification letter by GAO staff.

November 12, 1985 - GAO staff contacted Ambassador Duemling and scheduled initial meeting to discuss review on November 18, 1985.

November 16, 1985 - Ambassador Duemling contacted GAO staff to cancel initial meeting. According to Ambassador Duemling, the interagency group, set up by the Secretary of State to establish basic policy and exercise oversight of NHAO activities, instructed him to postpone the meeting until they decided how to respond to GAO.

November 21, 1985 - GAO staff contacted Ambassador Duemling to ask if the interagency group had resolved its problems relating to the GAO review. The Ambassador said that the group had met on November 18 and had agreed provisionally on a response to the review. According to the Ambassador, a document which sets forth limits to the GAO review had been prepared and was being circulated to group members for approval. When this is accomplished he will be able to meet with GAO.

GAO staff informed the Ambassador that the House Foreign Affairs Committee, Subcommittee on Western Hemisphere Affairs, requested that we report on the assistance program in February 1986, and that the delays being encountered hinder our ability to comply with that request. Further, any limits on the review will have to be agreed to by the Subcommittee, as well as by GAO. In this regard, the Ambassador was requested to provide a copy of the document prepared by the interagency group. The Ambassador said he could not provide GAO a copy, but would call when a meeting with GAO was approved by the interagency group.

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November 22, 1985 -	GAO staff informed the Subcommittee staff of the status of our review and that we were waiting for Ambassador Duemling to schedule the initial meeting. Subcommittee staff requested a chronology of GAO attempts to start its review.
December 2, 1985 -	GAO staff called the Deputy Director, NHAO, and was told they were not yet able to schedule a meeting. We informed the Deputy Director that the Subcommittee had requested a chronology of our efforts to start work.
December 3, 1985 -	Ambassador Duemling called to schedule a meeting on Friday, December 6, 1985.

Mr. BARNES. The GAO has been attempting to have an initial meeting now for about 1 month. My own view is that this isn't consistent with the way we usually are able to operate with the administration, and the GAO has an important function to carry out to assure that the taxpayers' money is being spent the way it was intended to be spent.

The GAO is an investigative arm of the Congress and has an important responsibility. So the first question I would ask is: Why are you dragging your feet, and what is the problem?

Mr. ABRAMS. I will ask Ambassador Duemling to comment.

But, first, let me say there is a problem, and the problem was for us to get our act together on the administration side to try to figure out what kind of limits there might be; I don't say are yet—but might be on the ability of the GAO to see every single piece of paper.

The problem is that some of these activities involve intelligence in two senses—that some of the verification is done through intelligence activities, and that some of the numbers might be of use to the Sandinistas in fighting the democratic resistance.

There is an intelligence issue. And before we can talk to the GAO about it, we are talking to our lawyers in the State Department. We have to find out whether they felt that this was a serious issue and what position we should take on it.

Do you want to add to that?

STATEMENT OF ROBERT W. DUEMLING, DIRECTOR, NICARAGUAN HUMANITARIAN ASSISTANCE OFFICE

Mr. DUEMLING. Yes; let me comment further, Mr. Chairman.

The initial request that came through the usual channel from the GAO to the State Department reached me on November 7, within 2 days of its being signed off within the GAO. Within less than 1 week—as a matter of fact, within about a day or two after that—I was in direct contact with one of the GAO auditors for a preliminary conversation in my own office. I followed that up with a telephone conversation to that same auditor. I think there were at least two more contacts, and I presume all of that is reflected in the chronology that you have.

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I am certain that the letter must also indicate that we are having a meeting tomorrow morning, in fact, with authorities from the GAO.

I had told the auditor from GAO in my initial conversation that I have every intention of cooperating fully with the GAO and assisting them in their intent to examine the operations of my office. In fact, I went further than that: I would welcome, and indeed indicated that I would welcome, their scrutiny.

As Mr. Abrams indicated, it was necessary that I understand first myself the guidelines that have historically controlled the flow of information, particularly intelligence information, within the Federal Government. And I was, myself, not fully informed on some of that. I understand that there are some longstanding procedures, and we expect to be able to respond fully within the standing procedures.

Mr. BARNES. Well, I am pleased to hear that you expect to respond fully.

What we are talking about here is an overt program, $27 million authorized by the Congress to buy, as we understand it, medical supplies, clothing, and food. Certainly the GAO ought to be able to do its normal job of assuring that, in fact, this is what the money is being spent for. That is GAO's purpose. And there should be no question of any lack of cooperation on the part of the State Department with the General Accounting Office in assuring that the funds are being used in a proper way.

You know what they do. They look at the receipts and check to make sure that—if we are talking about food, that the food actually got to where it was supposed to go. And it is all a perfectly reasonable request on the part of the GAO.

This is an overt program. This should not be something that we are spending a lot of time worrying about the intelligence aspects.

The question is: Are you buying medical supplies, or not? And I trust that the meeting which is set up for tomorrow will iron out whatever problems there are. But GAO is sufficiently concerned to send the subcommittee a letter saying you weren't cooperating, and laying out a chronology of events suggesting that there was not cooperation.

I hope there will be cooperation, and that it will move quickly, because we are looked to by our colleagues to assure that the program is going forward as was anticipated by the Congress when it was set up.

Let me turn to the report. As you know, there have been reports of human rights abuses by the group that we are providing the assistance to--charges of murder, rape, kidnapping. On page 13 of the report that Congress has received, the President states that these allegations have had broad coverage in government-owned media and have been disseminated abroad through international human rights organizations and foreign groups active in Nicaragua and sympathetic to the Sandinista regime. Many of these allegations are either false or greatly distorted.

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HUMAN RIGHTS GROUPS' ALLEGATIONS OF NICARAGUAN RESISTANCE ABUSES ADDRESSED IN PRESIDENT'S REPORT

The report seems to lump both pro-Sandinista groups and international human rights groups into one category. Is that really the intention of the administration?

Mr. ABRAMS. No; there is a clear difference. But I think I would have to tell you that my own view is that an awful lot of human rights advocates have been very careless about the information they have been using.

The President's report speaks, for example, about the so-called Brody report with almost a page of detail. That report was the basis of substantial news coverage on human rights group activity. And as our report made clear, the Brody report isn't worth the paper it is printed on. It is a Sandinista document. So I would have to say that the purpose behind that section of our report is to make it clear that we think there has been a little bit of carelessness here on the part of professionals who should know better in the field in trusting Sandinista information about what the human rights record of their opposition is.

Mr. BARNES. What do we know about the human rights record of the opposition? Have there, in fact, been murders, rapes, kidnappings by the group that we are providing assistance to?

UNO'S HUMAN RIGHTS RECORD AND EFFORTS TO MAKE IMPROVEMENTS

Mr. ABRAMS. According to the UNO, there have been abuses. In the last 6 months, between May and September of this year, we know that UNO held 21 trials. Of those 21 men tried, 19 were found guilty; 2 were found innocent; the breakdown of those crimes was: 2 for abuse of civilians; 2 for murder; 5 for disobedience of orders; 3 for robbery; 4 for sexual abuses; 1 for perjury; 1 for selling equipment; 1 for cultivating marijuana; 1 for selling secrets.

Human rights activities have picked up substantially in the last 6 months, including the formation of a human rights commission. The former head of the Nicaraguan Red Cross is now the head of the UNO Human Rights Commission. Arturo Cruz has taken a personal interest in this human rights question. The FDN has a human rights office under Carlos Icaza an attorney who was a part of the transitional government in Nicaragua.

If you go back beyond spring, I don't think they have anything that we would call decent recordkeeping. But they have started to keep records of their disciplining of their troops and of Sandinista human rights abuses reported to them.

Yes; we can say now that there are human rights abuses and they have established a court martial system to try to cope with them. They also have an educational program in which they teach the troops—most of the troops are campesinos, not from the cities—teach them what international law requires them to do.

For example, there are now prisoner exchanges for the first time handled by the Red Cross in which the FDN releases prisoners. More of those will be going on in the coming period.

I don't think we have a picture that I would call comprehensive and complete, but we have a picture that I think gives us some as-

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surance that they take this quite seriously and that they have now established the machinery they need to deal with this question.

As I noted, they have had in the last 3 months 21 court martials in which they found 19 of the accused guilty.

Mr. BARNES. What evidence do you have to substantiate your statement about the so-called Brody report, and what other examples would you cite of the statement in the report that the allegations are false or distorted?

EVIDENCE SUBSTANTIATING REPORT'S STATEMENT THAT MANY ALLEGATIONS OF HUMAN RIGHTS ABUSES ARE FALSE OR DISTORTED

Mr. ABRAMS. Well, we have, for one thing, two very interesting defectors whom I think have briefed many Members of Congress—Mr. Guerrero and Mr. Baldizon—who were on, in a sense, both sides of the Sandinista human rights lying coin. Baldizon worked for Borge, and his job was to investigate allegations of human rights abuses by the Sandinista Army for the purpose of concealing them. That was his job. And it became clear to him that Borge was not interested in bringing people to justice; he was interested in concealing.

To do that, you have to know what happened. So, his job for Borge was to find out what happened.

Guerrero was a member of the government Human Rights Commission, which, according to his testimony, tried to do some good work and was increasingly quashed by the Sandinistas who didn't want good work done. They wanted the Human Rights Commission to engage in coverups.

Both men have testified about their role in fooling U.S. human rights groups and in misleading them. In the case of the Brody report, we have evidence, mostly from defectors, about the nature of his activities in Nicaragua. I think from the very beginning it was clear that that report was unreliable, but it now appears from the people coming across since then that his rendition of his relationship with the Sandinista government was not accurate; it was deliberately inaccurate. And I think it undercuts any vestige of reliability of that report.

It was lock, stock, and barrel a report that the Sandinistas set up for him and that he proceeded to give to the human rights groups, who are trying to do a good job. In particular, we have Guerrero and Baldizon, who worked on the military and civilian sides in the Sandinista government. Baldizon told the story, for example, about somebody who was theoretically convicted by the Sandinistas of human rights abuses to show the world that they were actually setting up a system in which they didn't permit human rights abuses.

As soon as the world turned its attention away, the guy was let out. The Dutch have been particularly interested in his case, so whenever Dutch groups come, he goes back to prison for a day and they visit the man there to show that he is still incarcerated.

There is an elaborate system to mislead the world about the human rights situation, including, of course, the so-called abuses by the FDN. I want to repeat one thing I said in the testimony. The FDN, in the old Maoist guerrilla sense, swims in the sea of the people, the population. They have a lot of public support.

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In the last year, even in the period in which we were giving them nothing, they doubled in size. You don't do that when the population is against you and terrified by you. You do it when the population is basically on your side and terrified by the government. I think that is a very good piece of information, too.

Mr. BARNES. We apologize. We are going to have to break for a few minutes for a quick vote. Members will return immediately.

[Recess.]

Mr. BARNES. We will reconvene, and the Chair will recognize the gentleman from California, Mr. Lagomarsino.

Mr. LAGOMARSINO. Thank you, Mr. Chairman.

Mr. Secretary, there were reports in the news media that a Sandanista helicopter had gone down in northern Nicaragua and that 14 lives had been lost.

What do you know about that incident?

Mr. ABRAMS. We have a preliminary report. First an SA-7 fired by the FDN brought that helicopter down.

Interestingly, second, that this was in the middle of a battle, that was the context and that, third, among those who were on that helicopter were Cubans who were among the casualties.

HUMAN RIGHTS SITUATION REGARDING SANDINISTA TROOPS

Mr. LAGOMARSINO. You mentioned trials by FDN of people who had violated human rights. What do we know about the similar situation or if there is a similar situation on the side of the Sandinista government troops in violation of human rights with regard to disciplinary action?

Mr. ABRAMS. Information is, in a sense, fragmentary because the Sandinista government permits only limited reporting, but we have a number of reports from the permanent Commission on Human Rights in Nicaragua, which is the old anti-Somoza Human Rights Commission, which continues in existence, though under great pressure. They report considerable numbers of human rights' abuses.

In fact, human rights' abuses, you might say, are the policy of the Government if one thinks of the way the Miskitos were rounded up and their homes destroyed.

It is a standard relationship between a Communist regime and the people of Nicaragua. The people are, in a sense, the enemy, and we do not know of any systematic approach to punishing human rights' abuses.

Mr. Baldizon says that it was clear that his job was to cover them up, not to punish wrongdoers.

Mr. LAGOMARSINO. Yesterday, members of this subcommittee attended a briefing by the intelligence community on what was going on in Nicaragua, and obviously, we can't go into what was discussed there, but one of the areas of concern and discussion was the number of Cuban armed troops in Nicaragua.

Can you tell us in open session how many Cuban troops there are in Nicaragua?

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NUMBER OF CUBAN TROOPS IN NICARAGUA

Mr. ABRAMS. We believe an approximate figure is 2,500 Cuban military in Nicaragua. And, as I noted from this preliminary report on the incident of downing the Soviet helicopter, they aren't just advisers. They seem to be in combat, too. We have the impression that, for one thing, they have enough advisers now to have advisers down to very small units of the Nicaraguan Army, especially the counterinsurgency units, but there are more and more reports of Cubans actually involved in combat, for example in this helicopter.

Mr. LAGOMARSINO. Would you consider that number, say it is 2,500, significant in view of the fact that the total armed forces of Nicaragua are something like 75,000?

Mr. ABRAMS. There is another way to put it. We say that there are 18,000 troops in the FDN. At any given moment, something between one-quarter, one-half, three-quarters of them, 5,000, 10,000, 15,000 are in combat.

Put that up against 2,500 Cubans and see if it is a significant number. We have here, for the first time ever, something that we have seen in Africa, and that is we may be seeing Cubans move into a combat role on the mainland of North America.

Mr. LAGOMARSINO. Let's compare that with El Salvador. How many combat troops do we have in El Salvador?

Mr. ABRAMS. We don't have any combat troops. We have something on the order of four dozen advisers at any given time. The ceiling is 55, and we are generally below it, people moving in and out.

Mr. LAGOMARSINO. I have heard that that ceiling no longer exists. Is that accurate?

Mr. ABRAMS. We are still living by it. I am not sure if it exists as a legal limit, but that is the number we do not go beyond.

Mr. LAGOMARSINO. These are trainers of Salvadorian Armed Forces?

Mr. ABRAMS. Yes.

Mr. LAGOMARSINO. When was Obando y Bravo promoted to cardinal?

Mr. ABRAMS. Seven or eight months ago, May or June, if I remember correctly.

Mr. LAGOMARSINO. Was it after he had called for dialog between the Sandinista Communist government and the armed opposition?

Mr. ABRAMS. Yes; I think it was March 22 that he endorsed the call for dialog, yes.

Mr. LAGOMARSINO. So one might assume that the Pope didn't disapprove of that action?

Mr. ABRAMS. I think it has been very clear from his elevation to a cardinal that the general position of the Vatican indicates very strong support for the Nicaraguan church.

PROVISIONS AND LIMITATIONS OF HUMANITARIAN ASSISTANCE

Mr. LAGOMARSINO. To what extent are provisions of vehicles and communication equipment permitted to the democratic assistance under our overt aid program?

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Mr. ABRAMS. That is now permitted since the President signed the Intelligence Authorization Act of 1986 yesterday.

We will now be permitted to provide funds for the purchase or release of vehicles.

That was one of the problems in getting supplies moving, and we haven't done it yet because the bill was just signed yesterday, and we have to develop a budget and so forth, but we will be doing it.

Mr. LAGOMARSINO. Is any training allowed?

Mr. ABRAMS. Training is allowed for communications equipment that may be given the FDN or other forces. As I recall the conference report made no mention of training for the transportation equipment itself.

Mr. LAGOMARSINO. No military training?

Mr. ABRAMS. Right.

Mr. LAGOMARSINO. Is the democratic resistance a viable force as it currently exists?

Mr. ABRAMS. I think the answer to that is clearly "Yes." For one thing, we must recall that they doubled in size in a period in which they got no American support. The greatest ally they have is the commandantes, because with every increase in the degree of repression more and more Nicaraguans approach the democratic resistance as the only alternative to communism.

PARTICIPATION IN THE DEMOCRATIC RESISTANCE OF FORMER SOMOZA NATIONAL GUARDSMEN

Mr. LAGOMARSINO. If you can tell us in open session, what is the makeup of the democratic resistance with regard to former members of Somoza's national guard?

Mr. ABRAMS. There are 18,000 people in the FDN, which is the largest force. Of those, something like 2 percent are former national guardsmen. When it started with 500 people in 1979, of course, there was a larger proportion, but some of those have been killed in combat, and the total force is much larger.

Another way of looking at it is to examine the high command. If you identify the high command as a hundred or a couple hundred people, a proportion of them, something like 20 percent, I guess, are former national guardsmen.

Of course, a number of them are also former Sandinistas, and it is also worth pointing out that a number of people in the Sandinista government are former national guardsmen.

But the leaders of UNO are three of the leading democratic leaders in Nicaragua—Cruz, Calero, and Robelo, and the military leader of the FDN, Enrique Bermudez, although a member of the national guard, was not in the sense in which I think the term is meaningful close to Somoza. In fact, Somoza wanted him out of the country.

Mr. BARNES. The Chair recognizes the gentleman from Massachusetts, Mr. Studds.

Mr. STUDDS. Thank you, Mr. Chairman.

I think that one of the most striking things about this morning is the apparent relative lack of interest in this subject.

The room is not full; the press is not represented in the way in which it normally is.

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I assume, to you, that is a subject of some considerable satisfaction, but let me say that I don't think the story is over.

I think there is a tendency on the part of the administration to think that because the Congress has been prevailed upon to go along with the most recent tailored version of your request for humanitarian assistance that the issue is moot and has been decided. I don't think it has been. I think it is going to come back to haunt us in a variety of ways.

I haven't had a chance to read all the President's report. I have skimmed it. It seems to restate the administration's viewpoint that the United States has the right to dictate by force, if necessary, the domestic political system of Nicaragua, and we are under no obligation to negotiate our differences with that country on a bilateral basis, despite the urgings of the Contadora countries that we do so.

There is no reference, and I don't suppose it should be a surprise, that I can find in the President's report of the possibility that our obligations under international law might be relevant to our current policy toward Nicaragua.

I also point out that, in spite of the virtual unanimity of calmness in this hearing, that Nicaragua is growing less rather than more democratic, in spite of this policy, as a result of the pressure of the Contras.

The Contras have been killing people for 4 years. They have accomplished almost nothing of military significance. Internal political reconciliation seems to be further away than ever. Our policy continues to be divisive rather than a unifying force in that country.

But having said that, I think it is a backhanded tribute to our political system that, having adopted a policy that is illegal, ineffective, and wrong, we can proceed to discuss it in public.

I assume there is going to be a move here shortly, perhaps, to close this so that we can get into the covert aspect of humanitarian assistance. We will wait to see if that happens.

Ambassador, your office is called the Nicaraguan Humanitarian Assistance Office, is that correct?

Mr. DUEMLING. That is correct.

Mr. STUDDS. We don't have such an office for any other country, do we?

Mr. DUEMLING. Not that I am aware.

Mr. STUDDS. I didn't think so.

EXPENDITURES TO DATE FROM HUMANITARIAN ASSISTANCE

How much have you spent so far of the $27 million made available by the Congress?

Mr. DUEMLING. We have, as of December 5, obligated $13,350,675. By obligation, I mean that we have issued grants, primarily to the United Nicaraguan Opposition, and a couple of other smaller organizations. That is the first step, if you will.

Our next step is to issue letters of commitment or memoranda of commitment which are subsumed under those umbrella grants and drawn away from them for expenditures.

I won't review—unless you so request—the whole procedure as to how we go about this, but it is necessary to know this detail, and

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then you may wish to know how much we actually paid out which is the end of the chain, and that figure is $3.94 million.

Mr. STUDDS. So to date you have obligated approximately half the $27 million?

Mr. DUEMLING. A little less than half.

Mr. STUDDS. For what has it been obligated?

Mr. DUEMLING. For food, transportation, clothing, medicine, and what we might describe as gear or equipment. And if you would like me to describe that further, I will be happy to do so.

Mr. STUDDS. I would.

Mr. DUEMLING. The food constitutes approximately 25 percent of the expenditures, and it is rice and beans and tomato paste and meat.

Mr. STUDDS. Nonlethal food?

Mr. DUEMLING. It is nonlethal food, we hope.

Mr. ABRAMS. The lethal food is procured legally.

Mr. DUEMLING. Clothing constitutes 35 percent, and that includes shirts, trousers, caps, underwear, socks, boots, and so forth.

Mr. STUDDS. Does it tend to be sort of khaki in color?

Mr. DUEMLING. It is a mixture of colors.

Mr. STUDDS. I don't mean the underwear.

Mr. DUEMLING. Maybe some of the underwear is khaki. I am not sure.

Mr. STUDDS. Are they uniforms?

Mr. DUEMLING. Some could be described as uniforms. In any case, the trousers and shirts are usually the same color, but not always.

Medical expenditures constitute approximately 9 percent, and that is pharmaceuticals, surgical equipment, surgical gloves. But it also includes the cost for a hospice that we are establishing in Florida to care for patients that need advanced restoration of surgery.

These are mostly maxilo-facial operations. We are doing it in Miami because the quality of care that is required is not available in the region. These are a relatively small number of people, but this is a direct response to requests from the United Nicaraguan Oppostion.

In terms of gear—that constitutes 15 percent, tents, canteens, and that kind of thing.

Transportation constitutes about 8 percent of the expenditures, and that means flights, chartered aircraft to move supplies both from the United States into the region and within the region. We have also paid for hiring some trucks and some automobiles.

Mr. STUDDS. Is the itemization of that list available to us?

Mr. DUEMLING. It certainly can be. You will recall that there is a classified appendix to the President's report that contains even greater detail than what I am giving you here.

Mr. STUDDS. That is classified—the food, medicine——

Mr. DUEMLING. The specifics are. The aggregate is classified, because it indicates the degree and nature of support, and it also indicates the origins of it, and this would be a difficult, delicate matter to put into the——

Mr. STUDDS. It is, in all likelihood, our only humanitarian program which is classified, don't you think?

Mr. DUEMLING. I don't know the answer to that.

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Mr. STUDDS. Are you required under the law, as you understand it, to inform the Congress, required to inform the Congress, of the number and type of equipment purchased, and the identity of the vendor, and the price of every item?

Mr. DUEMLING. That is all available, yes.

Mr. STUDDS. Whether or not you are required to do it?

Mr. DUEMLING. Yes.

THE ROLE OF THE HONDURAN GOVERNMENT

Mr. STUDDS. The report of the President refers, as you know, to the refusal of the Honduran Government to permit your supplies to be offloaded in Tegucigalpa.

The supplies, as we understand it, have been returned to the United States. Have those supplies since been resupplied to the Contras?

Mr. DUEMLING. No, sir, they have not.

Mr. STUDDS. Where are they now?

Mr. DUEMLING. They are in a warehouse in the United States.

Mr. STUDDS. Do we have the official permission of the Honduran Government to ship cargo destined for Nicaragua through Honduran territory?

Mr. ABRAMS. The Government of Honduras made it clear that that flight was unauthorized, that we did not have the right to bring goods for the FDN via that airport in Honduras.

Further discussion of this kind of question has to be reserved for a closed session.

Mr. STUDDS. Does the United States Government have the official permission of the Honduran Government to ship cargo destined for the Contras through Honduran territory?

Mr. ABRAMS. I have already answered that question. The countries near Nicaragua and their role or lack of it with regard to the Nicaragua democratic opposition is something that should not be discussed in an open session.

Mr. STUDDS. That is not a yes or no.

Mr. ABRAMS. Then call it a no comment, but I think it is an inappropriate question.

Mr. STUDDS. I could have sworn this was humanitarian assistance.

Mr. ABRAMS. I am not trying to play games. I think you know what my answer means, and I think you know why I am giving that answer.

If this program in its present format is unpleasing to you, it is not exactly the greatest program from our point of view either, but it was a response to congressional decisions about how aid should be given.

Mr. STUDDS. It seems to me that it hardly ought to be a matter of controversy or of classification as to whether or not a neighboring government is cooperating with the program.

Mr. ABRAMS. Isn't that their decision, whether they want their role, if any, or their refusal to have a role to be publicized or not in the United States?

Mr. STUDDS. I did not anticipate that response, but I think it is very revealing.

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Mr. ABRAMS. The responses you have gotten from me over a period of months have been that we will not discuss publicly the role or the refusal to have a role of any of Nicaragua's neighbors.

Mr. STUDDS. That doesn't surprise me, because for 3 years you refused to admit that we have a role.

Mr. BARNES. The gentleman from Ohio.

Mr. MCCAIN. I have a question about procedure. I take it that we are not staying with the 5-minute time limit now, since the last questioning went 3 or 4 minutes over.

Mr. BARNES. It is the intention of the Chair to try to keep relatively close to 5 minutes.

Mr. MCCAIN. I hope the other members will receive the same courtesy that you gave the gentleman.

SANDINISTA ACTIONS REGARDING THE INDUCTION OF SEMINARIANS AND EXPLUSION OF FOREIGN PRIESTS

Mr. DEWINE. Secretary Abrams, you mentioned about the induction of seminarians. Are there now developments with regard to that?

The last I knew, some of them had been inducted, and that was it. Is that the end of the story?

Mr. ABRAMS. That is right. They have not been released.

Mr. DEWINE. Let me move to a question, a statement about the expulsion of foreign priests or the threat of expulsion of foreign priests.

It is my understanding that about 50 percent of all the priests in Nicaragua are foreign priests. Is that roughly accurate?

Mr. ABRAMS. What proportion did you use?

Mr. DEWINE. About 50 percent.

Mr. ABRAMS. I think that is roughly accurate. It is true in a large part of Central America there is an insufficient number of vocations, and European priests play a significant role.

Mr. DEWINE. So, the threat of this expulsion would have affect on the church's ability to function in Nicaragua?

Mr. ABRAMS. Yes.

Mr. DEWINE. Have they started the expulsion?

Mr. ABRAMS. Yes; there was an expulsion of a Spanish priest 3 or 4 weeks ago, so they have done it. They have not started doing it in any kind of mass way.

PRIVATE FUNDING OF THE DEMOCRATIC RESISTANCE

Mr. DEWINE. Let me move to the question about the funding for the Contras, the democratic resistance forces.

What have we seen in regard to the private funding since the United States, since the Congress officially decided to give the humanitarian aid?

Have we seen a change in that or can we tell?

Mr. ABRAMS. I don't have the numbers, actually. It appears that we have gone down, for the logical reason that people say, "Well, if the U.S. Government is funding the FDN, then why do we need to? If the U.S. Government is funding ARDE or the Indian groups, why do we need to?"

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Very few people I have run into believe that we are actually only doing humanitarian aid, that is, you get a sort of—there is a widespread assumption that we are also giving lethal aid, so if we are doing that, why should people have to dip into their pockets to do it? So, there has been a significant reduction in other forms of funding.

INCREASE IN THE NUMBER OF FDN MEMBERS

Mr. DEWINE. You mentioned the figure 18,000 is the number in the FDN now. What has been the trend, say, in the last 6 months in regard to their recruitment? Do we know?

Mr. ABRAMS. Generally they don't recruit. They have walk-ins. The growth from 10,000 to almost 20,000 was as a result of Sandinista oppression. More people left the country and more volunteered to join the democratic resistance. They don't have a formal recruitment program. Their problem is that they do not have the ability to equip more people. They could put more people into the field. People are available who want to join if they could be equipped, and over time, if they get more resources, they will be able to do so if they get more resources.

Mr. DEWINE. Your testimony is that they could handle more people. There are more people available than they have the equipment?

Mr. ABRAMS. Yes, precisely.

Mr. DEWINE. Thank you very much.

Thank you, Mr. Chairman.

Mr. BARNES. The gentleman from Connecticut is recognized.

IS THERE A LIGHT AT THE END OF THE TUNNEL

Mr. GEDJENSON. Thank you.

Let me ask you a couple of questions.

It appears that we started this activity to help the Nicaraguans free themselves back in November 1981, and we have been involved for some time now at various levels of funding for a variety of reasons.

Where is the light at the end of the tunnel? You say that we are doing better and that the Nicaraguans are in worse shape. They are going to collapse soon. Are we talking about 20 more years of continuing to throw spinach at them to win this war? What is it going to take?

Mr. ABRAMS. The trends are all pretty negative for the Sandinistas. The economy is really collapsing. Not only are there shortages, but there is about 300-percent inflation this year. Public support is declining for the Sandinista regime. The degree of oppression is increasing.

The FDN is growing in size as fast as we can give them shirts to wear. The other groups seem to be united more now under the civilian leadership of UNO. I would say that all of those trends are negative for the Sandinistas.

Let me add another trend. If you look at the support for the Sandinistas among the democracies of Europe or South America, it is basically gone. I had a chance to speak on Tuesday with nine South

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American foreign ministers, and I don't find anybody willing to speak up and defend the Sandinistas.

I can't give you a date. That depends in part on the levels of Soviet and Cuban military support and whether we are willing to back the opposition.

Mr. GEDJENSON. How much backing do we need to give them? What would you like?

Mr. ABRAMS. That is a tempting question.

Mr. GEDJENSON. Like most other questions, you are probably not going to answer it.

Mr. ABRAMS. I can give you a personal view that we now see a massive Soviet and Cuban intervention on the mainland; Cubans engaged in combat. We see a growing Sandinista role in terrorism——

Mr. GEDJENSON. What do we call our activities in support of the democratic liberation forces when they blow up coffee farms and things like that? What is that?

Mr. ABRAMS. That is called fighting a Communist regime. I would differentiate between attacking a coffee farm and attacking, for example, schoolchildren.

Mr. GEDJENSON. How about attacking schoolbuses with people coming back from a wedding?

Mr. ABRAMS. If you have proof that that has happened, I would be very interested in having it.

Mr. GEDJENSON. We saw some footage by foreign journalists——

Mr. ABRAMS. Let me answer your question very briefly. My own personal view is that the greatest weapon of Soviet suppression in the Third World right now is the helicopter, and I would like to see the opposition with some way of dealing with those MI-8's and those helicopters. I think that——

Mr. GEDJENSON. Something—ground-to-air missiles of some kind?

Mr. ABRAMS. My personal view would be that we should be giving lethal aid to the opposition or we are going to get a terrorist and Soviet base in Nicaragua.

ATTACKS ON THE BRODY REPORT

Mr. GEDJENSON. Back to the issue of the humanitarian assaults on either side, in April you indicated they were going to review the claims made. Earlier today, you made an ad hominem attack on the Brody report——

Mr. ABRAMS. That was in the 90-day report to Congress.

Mr. GEDJENSON. The argument you make is that these are untrustworthy people. What I have found is that if you can't argue a case on its merits, the ad hominem attack is the most effective.

Have you looked at whether the money and support we are providing the Contras are indeed being used to brutalize the Nicaraguan people?

Mr. ABRAMS. We have tried every way we can——

Mr. GEDJENSON. Have you investigated the affidavits given to you guys?

Mr. ABRAMS. Yes; we have tried to get as much reporting as we can from the CIA on the same question. Again, we have some very

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good reporting from people inside the Sandinista regime when all this was going on.

Remember, I didn't say earlier that there were no human rights abuses. I think it would be inconceivable that in a guerrilla war of this kind there would not be human rights abuses. But they are beginning now to deal with them in a very serious way.

Mr. GEDJENSON. You are saying they happened in the past more, and today we see less of them?

Mr. ABRAMS. We see fewer——

Mr. GEDJENSON. You have actually reviewed those affidavits?

Mr. ABRAMS. I read that report cover to cover when it came out. I also reviewed, in my former capacity——

Mr. GEDJENSON. Have you spent any of the resources of this Government to review the allegations?

Mr. ABRAMS. Every single allegation. We took up every single allegation with the leaders of the FDN.

Mr. GEDJENSON. Do you have a report on those allegations?

Mr. ABRAMS. A classified report.

Mr. GEDJENSON. Can we see a report where you interviewed witnesses——

Mr. ABRAMS. That is right.

Mr. GEDJENSON. Can I see that report at some time?

Mr. ABRAMS. I can't commit to it, because it is not my document.

Mr. GEDJENSON. There is no prohibition for Members of Congress seeing it, is there?

Mr. ABRAMS. No; I want you to know that we took up every single allegation with the leaders of the FDN.

Mr. GEDJENSON. Thank you.

Mr. BARNES. The gentleman from Arizona is recognized for such time as he may consume.

HUMAN RIGHTS VIOLATIONS BY THE CONTRAS

Mr. MCCAIN. Thank you, Mr. Chairman.

I will try not to abuse your courtesy.

Mr. Secretary, I would like to pursue the issue of human rights with you for a few moments. Before that, I think we are aware that one of the most difficult issues in a civil war, and we can look at our own civil war, to indicate the difficulties with abuses of human rights. Atrocities take place on all sides with a combination of civil and guerrilla war.

That does not change the fact that the fragile consensus we have in Congress could be very seriously eroded, in my opinion, if we do not make every effort to prevent abuses of human rights on the part of the FDN. Would you agree with that assessment?

Mr. ABRAMS. Absolutely.

Mr. MCCAIN. I would like to ask a couple of questions and maybe make a suggestion as to how we could better pursue the closest possible of monitoring of human rights abuses on the part of the opposition, the Contras in Nicaragua.

A White House report dated November 6 states, while UNO began to report instances of abuses by its personnel, in most instances, however, it is not possible to confirm or deny allegations of

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abuses, a situation that should be partially remedied by more complete information being collected by UNO.

Who is in charge of UNO, et cetera?

Mr. ABRAMS. First of all, there is a UNO human rights commission headed by Ismael Reyes. He is the former president of the Nicaraguan Red Cross prior to the Sandinistas.

Then FDN, as a part of UNO, has its own human rights commission under Carlos Icaza. And Arturo Cruz, who is one of the three in the UNO triumvirate is setting up his own human rights secretariat reporting to him and the human rights commission. They also have mechanisms for court-martial proceedings.

Since the spring, there have been 21 courts-martial in which 19 of the defendants have been guilty and 2 found innocent, so the structure is now working. One of the jobs of the human rights commission is education of the campesino troops and they are taught what the rules of conflict are. This is the kind of thing that we also had persuaded the Salvadorans to do with their army.

They have now begun prisoner exchanges with the Red Cross, and are in touch with the ICRC. I don't recall the numbers anymore. I don't think I have them here of how many prisoners have been exchanged.

It is a low number so far, but that will be a continuing activity. Also, the usual kinds of things you do for prisoners that is allowing them to be in contact with their families via organizations like the Red Cross.

Mr. MCCAIN. Has any UNO human rights personnel conducted human rights investigations in the field, do you know?

Mr. ABRAMS. I don't think they have done it in the field. It is very difficult to do because that means that you have to go into Nicaragua itself, an act for which you could be killed, and that is one of the reasons that the investigations are so difficult.

I am not aware of any investigation being conducted on the scene of an alleged crime in Nicaragua. I think it would be too dangerous.

HUMAN RIGHTS IS THE ACHILLES HEEL OF CONTRA SUPPORT

Mr. MCCAIN. I agree that it is very dangerous but I think that this issue is so serious and is the Achilles heel of any support that we may be able to further extend that I would hope that these commissions will feel it in their interest to go into the field to investigate these abuses.

I am not advocating putting someone's life in danger, but I think if we continue to compile a record of human rights abuses on the part of the FDN, it will very dramatically erode the support here. So I would advocate strongly that they try to get into the field to conduct these investigations.

Mr. ABRAMS. We will convey that. The level of human rights abuses by the FDN is open to doubt. The Sandinistas have made a big deal about it. Investigations like the Brody report indicate a lot of that is lies. I don't think it is that big a problem.

The people of Nicaragua are reacting to the FDN as if they were liberators not human rights abusers.

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Mr. MCCAIN. I suggest Mr. Baldizon play a larger role in the human rights activities. I think he has great credibility and I hope we can use him more than maybe we have in the past.

Thank you, Mr. Chairman, for the time.

Mr. BARNES. Just to pursue that for a second, because the last two members have both been focused on this question. The subcommittee had a witness, Donald Fox, who is an attorney with a Wall Street law firm, who went down after the Brody report had been issued. He interviewed a number of the people whose affidavits had been provided and reaffirmed the statements that had been provided in the affidavits with respect to the alleged abuses. There were 147 affidavits submitted with respect to alleged abuses. You have indicated that you have indicated in response to Mr. Gejdenson's questions that the administration has carefully investigated all the affidavits.

How many of the 147 have you found to be lies, which is what you just said?

Mr. ABRAMS. We investigated all the charges. In some cases the affidavits made the same charges.

Mr. BARNES. How many are lies?

Mr. ABRAMS. I don't recall because we did that report immediately upon receiving the Brody report.

Mr. BARNES. We had a distinguished lawyer of a very reputable Wall Street law firm go to Nicaragua, personally investigate the affidavits and come here and say they were correct and you are saying they were lies.

How many were lies?

Mr. ABRAMS. I am talking about the Brody report. He has no way of knowing the answer to that question because he just talked to somebody.

Mr. BARNES. How do you know they are lies?

Mr. ABRAMS. We have people who were setting this up in the Nicaraguan Government whose job it was to fool American human rights commissions and American human rights workers.

Mr. BARNES. How many of the 147 are lies?

Mr. BURTON. Would the chairman yield?

Mr. BARNES. Yes, if the gentleman can help me get an answer.

Mr. BURTON. We had before our committee some time ago representatives of a human rights expedition that went there that was there to verify a report done by the law firm of Reichler and Applebaum, which was paid $350,000 by the Sandinista government to write a phony human rights report about 1 year ago. When that man, whose wife is related to two members of the Communist foreign ministry down there, was asked about his connection to the Sandinistas his face went white because he knew we had caught him.

The human rights report was a sham, was complete Communist disinformation, and I think the chairman knows that.

Mr. BARNES. That is not helping me get an answer.

Mr. BURTON. You know there is disinformation on the human rights issue.

Mr. BARNES. I am trying to get an answer from the Assistant Secretary of State. He testified 10 minutes ago that the administra-

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tion had carefully investigated the affidavits. That was Mr. Gejdenson's question.

There were 147 of them. How many of them did we find to be lies?

Mr. ABRAMS. The answer is in the report compiled at the time.[1] It was compiled immediately because I requested an immediate investigation of those charges and got it. I don't recall the numbers but I do recall vividly, as I think members of this panel and staff do, talking more recently to Mr. Baldizon and Mr. Guerrero about what they did to fool human rights groups, which was their job, the interviews they arranged.

Mr. BARNES. I am not questioning that. I have talked to those folks as well.

Mr. ABRAMS. I will have to supply numbers for the record.

Mr. BARNES. That was rather compelling testimony and affidavits of individuals who purport to have been victims of some pretty serious actions——

Mr. ABRAMS. I would also note for the record that if you look carefully at the accusations in the Brody report, they are mostly from 1981. Some of them date before the formation of the FDN and could not possibly have been the FDN. Others come from, say, the first year and have nothing to do with current human rights practices by the FDN.

Mr. BARNES. That is hopeful and I am following up and agreeing with the gentleman from Arizona, Mr. McCain, that this is an issue that is going to have to be addressed carefully.

Mr. ABRAMS. I understand Senator Harkin, another witness, is finishing up. I am waiting for a call to testify before another committee.

Mr. BARNES. We understood that you have a scheduling problem. The gentleman from California, Mr. Levine, is recognized.

Mr. LEVINE. Thank you, Mr. Chairman.

Mr. BARNES. I am reminded by staff that I have to recognize my subcommittee members first before I can recognize members of the full committee.

Mr. LEVINE. Could I ask the Secretary, with the indulgence of the subcommittee, just one question that I would like his answer to before he has to go?

Mr. BARNES. Without objection.

Mr. LEVINE. Thank you very much. I appreciate the courtesy of my colleagues.

AUTHORIZATION FOR VEHICLES TO THE CONTRAS

Mr. Secretary, in response to the gentleman from California, Mr. Lagomarsino, earlier you indicated that under the new intelligence act you now have the authority to be using vehicles. There was a report in today's Los Angeles Times questioning what that authorization in fact includes and I would like your opinion on it.[2]

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[1] See appendix 5.
[2] See appendix 1.

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The question is this: You are authorized to transport something in the vehicles and the question is what? Can you transport weapons in these vehicles in your opinion under the new act?

Mr. ABRAMS. The act, as I read it, is unclear on that question and we are querying the intelligence committees as to what they think the act means.

Mr. LEVINE. It is my understanding that the House Intelligence Committee specifically does not believe that this includes the transport of weapons. Has the administration taken a position? The Times reported a quote from an unnamed member of the administration to the effect that your administration does interpret this act to authorize the transport of weapons.

I think the quote was if there were 1,000 pounds of food and 500 pounds of weapons, it would be OK with us. Do you think that is an appropriate interpretation of this act in light of the history of the debate that you are familiar with and the subject that you, I think, have as much personal knowledge of as probably any other member of the administration?

Mr. ABRAMS. As I read the law and the conference report, there is absolutely no prohibition on the use of those vehicles but that is why we are querying the intelligence committees.

Mr. LEVINE. Do you have an interpretation of it, Mr. Secretary?

Mr. ABRAMS. My interpretation is, as I have said, that the law does not, nor does the conference report, prohibit it, but we are not going ahead with it because we want to know what the intelligence committees think.[2]

Mr. LEVINE. At this point in time you believe there is no prohibition but the administration does not intend to use this language to authorize the transport of weapons?

Mr. ABRAMS. It is a moot question because the law was signed 1 day ago and it will be awhile before we can get a budget together and begin to provide vehicles so that by that time I think this will be well clarified.

Mr. LEVINE. Would you commit to come back to this subcommittee on this issue if, in fact, you intend to interpret the act to include the authorization to transport weapons?

Mr. ABRAMS. Sure.

Mr. LEVINE. Thank you.

Mr. BARNES. The Chair recognizes the gentleman from Illinois, Mr. Hyde.

Mr. HYDE. Thank you, Mr. Chairman.

Secretary Abrams, I think some day a psychologist will have a field day analyzing the approaches to you and your colleagues on this fascinating issue of Central America. We have what is obviously a filthy little Communist dictatorship, nothing less, nothing more.

That is what it is, no pastels. It is red as a rose. It always intended to be and that is what it is now. Now, we have 2,500 Cuban military in Nicaragua, Bulgarians, PLO, an embassy for the PLO—I repeat that for emphasis.

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[2] See appendix 2.

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They have got Libyans, North Koreans, East Germans down there. They have wiped out freedom of the press. La Prensa is more honored in the breach than in the observance. They have taken the church's printing presses over. They censor sermons of protestant ministers and catholic priests. There are thousands of political prisoners. You have to get your ration card from some flunky Communist on every block and you have to defend yourself from these human rights advocates on the left.

There is invincible ignorance, that means you will never know, and there is involuntary ignorance, that means ask a question and leave.

Your policy is called illegal, ineffective, and wrong. In World War II we supported De Gaulle. That wasn't illegal and ultimately not ineffective.

Our revolution was against an established government. That wasn't illegal. When Somoza was in power supporting overthrowing him was a good, moral act. What is so legitimate about these little frauds who lied to the OAS and everybody else about pluralism and freedom of religion. Now they are in there locking everybody up, and, by God, we are going to go into the human rights abuses of the democratic resistance and making you account for every bandage that we send to bind their wounds.

Are we going to prop up all the little Ortegas of this world?

I admire you for not throwing up at that table. It is remarkable. Read what the AFL–CIO says. They are not an arm of the Reagan administration. They call them Marxist-Leninist dictators. Why do we tolerate that in our bosom? We don't if it is 9,000 miles away, if it is Afghanistan or Kampuchea, but the closer it is the more denying we get. There are those who say that the liberal left never understands the problem or what the struggle is about. Count me among them.

Thank you.

Mr. BARNES. The Chair recognizes the gentleman from Indiana.

Mr. BURTON. Well, you know, I could sit and listen to him all day.

Well, let me just say that I would like to follow up briefly on the discussion that was taking place between you and the chairman of the committee.

The Communist disinformation that comes out of Nicaragua is legend and anybody who doesn't believe that needs to look no further than the report arranged by the law firm of Reichler & Applebaum along with the Washington Office on Latin America brought before this committee and the American people not long ago that was covered by every major network as gospel whether, in fact, it was a bunch of disinformation and was proved to be so later on.

I think that before we start jumping down the throats of people like you, Mr. Secretary, or Ambassador Duemling, we had better get our facts straight and know that the Communists are masters in this, and the people there have been trained by the KGB, so before we take this as gospel, we better do serious soul searching and checking before we put you folks on the hot seat.

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CODE OF CONDUCT FOR THE CONTRAS

Having said that, I would like to ask about the code of conduct as far as the freedom fighters are concerned. Have they adopted a code of conduct and is this code of conduct being sent to the ranks, to the man on the front lines?

Mr. ABRAMS. They have their own code of conduct adopted by UNO, which is described to every individual soldier, and they also describe to each what the rules of the Geneva Conventions of War are. They have a booklet which every soldier gets, and they have courses which teach them what you are allowed to do and what you are not allowed to do—for example, that you are not allowed to attack civilians; that you are not allowed to execute or otherwise harm prisoners.

Mr. BURTON. So they have a very comprehensive code of conduct.

Have they court martialed, or are they attempting to court martial, anybody who has violated human rights or this code of conduct?

Mr. ABRAMS. They have; prior to spring, they were not doing that. They were doing much more informal punishments of people. Partly because of the pressure that we have been putting on them, they have now gone to a more formal court martial. They have court martialed 21 people, 19 of whom were found guilty.

Mr. BURTON. I want to point out to the chairman that there is a code of conduct that the freedom fighters are supposed to live by. There have been 21 court martials and so they are doing something.

I would like to ask you another question. Do you know of any court martials that have taken place by the Sandinistas, as far as human rights violations that have taken place at the hands of their soldiers?

Mr. ABRAMS. I know of one fraudulent one which Mr. Baldizon, the defector, told us about, where somebody was apparently convicted and jailed, but, in fact, was subsequently let out and is only rejailed for purposes of human rights tourism. But I don't know of any pattern of court martials or punishments of Sandinista soldiers for human rights violations.

Mr. BURTON. So, in your opinion, the freedom fighters are trying to keep to an absolute minimum human rights violations while, at the same time, there is no attempt on the part of the Sandinistas to do likewise?

Mr. ABRAMS. That is the impression I have. I think the freedom fighters are very well aware of the concern of the committee and are acting to meet that concern. I don't think that their human rights violations are large in number, but they know they have to have a record of how many people do these things and how they are treated.

THE MEDICAL SITUATION OF CONTRA FORCES

Mr. BURTON. Let me make one more brief comment and question. This is directed to Ambassador Duemling. I would like to ask him about a report I received from Dr. Vern Cheney, president of Intermed, Geneva. He is a cardiothoracic surgeon who served in Korea with MASH units, and he just spent 2 weeks in Honduras

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and Costa Rica evaluating the medical situation of the Nicaraguan freedom fighters.

He sent you an extensive report, I understand. He wrote to me:

The medical care facilities and services currently available to the anti-Sandinista freedom fighters are tragically inadequate, by any modern standards, resulting in disability and death. Early treatment of the casualty, whether it be a civilian or military setting, is axiomatic and essential to the saving of lives and reduction of disability. This lesson was learned in World War II.

In dark contrast, the early medical care for freedom fighters inside Nicaragua isn't much different than other conflicts in Vietnam or elsewhere, or from the troops of Napoleon, for that matter. None of his troops survived head or chest or abdominal wounds, and the contras don't survive them, either.

Evacuation from Nicaragua is made by walking, mule, or handcarry in a hammock. Once the casualty arrives at an FDN medical facility, he isn't going to find much in the way of modern medical care For 20,000 troops inside and outside Nicaragua, there is only one surgical operating room. There is no functioning x-ray machine, no medical laboratory, no blood bank, no instrument sterilization capability other than a small pressure cooker. There has been no supply of morphine or Demerol for over a year. The pain of the wound is treated only by aspirin.

Dr. Cheney's trip was this summer. Could you tell to what extent you have been able to change that medical situation, what you think you can do with the current budget, and do you think that is going to be enough to do the job?

Mr. BARNES. Could I ask that the answer be submitted for the record? It is an important question, and to give it a fair answer is going to take more than 30 seconds, which is all we have.

[The answer follows:]

From the outset, NHAO has worked very closely with Dr. Tomas, head of medical services for UNO/FDN, to assess and respond to UNO's medical needs. This assessment encompasses pharmaceuticals, medical equipment (portable x-ray machines, sterilizers, refrigerators for storing perishable drugs, generators for providing electric current, etc.), surgical instruments, the construction of field hospitals and dispensaries, health-care training, etc.; in short, everything associated with the provision of medical care. Consultations with Dr. Tomas have taken place in Washington, Miami, and in the area of his operations in Central America.

These consultations resulted in the creation of an action program which is being implemented by a private, non-profit American foundation with long experience in health care in the Third World. Members of the foundation work closely with Dr. Tomas, as does another person paid by NHAO to expedite the program in the field.

To date, NHAO has paid $160,000 to cover specific purchases by Dr. Tomas of pharmaceuticals and refrigerators. Several hundred thousand dollars worth of pharmaceuticals and medical equipment is currently warehoused in the United States awaiting resolution of a transport problem. When that problem is resolved, I am confident that a major improvement will take place in the quality of medical care being provided to the resistance forces.

Dr. Cheney is quite correct in pointing to the disastrous effects caused by the absence of adequate transportation to move the wounded quickly to hospitals for treatment. The nature of the conflict is partly responsible, but the problem could be alleviated by the provision of medivac helicopters, for example, this raises the question—one that has been extensively debated within the Congress—as to whether NHAO may, under the legislative guidelines, provide vehicles, and if so, what kind. Recently the Congress clarified the guidelines and NHAO is currently discussing with the UNO leadership what its priorities in this area will be.

As for the funds available, whether or not they are adequate depends in part on priorities. But, in my judgment, they are adequate to purchase the needed pharmaceuticals and a limited amount of medical equipment for the period covered by the legislation, that is, through March 31, 1986. Quite clearly, if a program of support were to continue beyond that date, more funds will be needed. Moreover, such things as medivac helicopter do not come cheap, nor do fully-equipped field hospitals, and if optimum care for the wounded is the goal, then certainly more funds will be required.

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Mr. LEVINE. Could I submit one other question, whose answer could also be submitted for the record?

Mr. BARNES. Yes.

Mr. LEVINE. I would appreciate it if the Secretary could provide for the record where the Contras, prior to the enactment of the legislation authorizing the nonmilitary assistance to them, received the assistance they were getting, what the sources of that assistance were, in what amount, from whom, the extent to which it was private American assistance, and the extent to which it was other governmental assistance.

Mr. ABRAMS. To the extent that the answer to that comes from U.S. intelligence operations about the intelligence operations of foreign governments, I would not be willing to provide that except to the Intelligence Committee. But I will provide whatever we can.

Mr. LEVINE. Submit whatever you can, and let us know what you can't submit, and then we can go from there.

Mr. ABRAMS. Fine.

[The answer follows:]

These are quesitons that can best be addressed by the various resistance organizations. The Department of State is not involved in the provision of aid by private groups to the Nicaraguan democratic resistance. We are aware that such aid has been and is being provided, but we have no historic records on the sources or amounts of this assistance. Also we do not keep records concerning the activities of private U.S. organizations and individuals.

Mr. BARNES. We appreciate that.

Mr. Secretary, we particularly appreciate your remaining. We know you had a potential conflict this morning, and we appreciate your being here and your testimony.

Ambassador, and Mr. Walker, thank you very much.

[Whereupon, at 11:20 a.m., the subcommittee adjourned, subject to the call of the Chair.]

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APPENDIX 1

REPRINT OF AN ARTICLE FROM THE LOS ANGELES TIMES BY DOYLE MCMANUS, ENTITLED, "TRUCKS, COPTERS INCLUDED IN U.S. AID TO CONTRAS," WHICH APPEARED ON DECEMBER 6, 1985

TRUCKS, COPTERS, INCLUDED IN U.S. AID TO CONTRAS [1]

(By Doyle McManus)

WASHINGTON.—The Reagan Administration's program of "humanitarian" aid for Nicaraguan rebels soon will move one step closer to military aid, buying trucks that can move guns and annunition—as well as food and medicine—into the tittle zones of northern Nicaragua, officials said Wednesday.

Key congressional Democrats objected to the shift, saying that it goes beyond guidelines negotiated between the Administration and the House and Senate Intelligence committees.

Since October, the United States has been paying for shipments of non-military equipment for the rebels, known a contras, but has not provided any transporation.

Now, however, under an intellligence bill signed by the President Reagan on Wednesday, the Administration also can pay for "transportation equipment."

Officials said that can include trucks, helicopters and even airplanes for the rebels who are fighting Nicaragua's Marxist regime, as long as none of the vehicles are outfitted for combat. But the key House Democrats maintained that that interpretation goes beyond the intent of Congress.

"This will allow them to transport weapons as well as humanitarian aid," a senior State Department Official said. "If a truck carries 1,000 pounds of food and 500 pounds of guns, that will be fine."

He said the change was significant because the House and Senate agreed to it last month, reflecting what he called "steadily increasing support" for the contras' fight.

"It's crystal-clear," the official said. "Congress has specifically OKd this."

Much of the program's spending, based on a budget of $27 million appropriated by Congress last year, will now shift to transportation and away from such things as medicine, clothing and food, he said.

But a congressional source said that the House had agreed to no such thing. "We agreed that transport of nonlethal aid is permissible," he said. "Transport of lethal equipment is not." Both sources refused to be quoted by name.

The Administration's aid to the rebels has spawned similar conflicts with Congress almost from the time Reagan first decided to provide covert military aid to the contras in 1981.

Congress cut off the rebels' funding in 1984 after it discovered that the CIA had mined Nicaragua's harbors and flown secret combat missions against the Sandinistas without notifying the committees in advance.

The aid was renewed last year under a law that restricted it to "humanitarian" aid—without clearly defining what could be included in that category.

The intelligence authorization bill, which passed with little opposition last month, stated the transportation equipment can be supplied as long as it is not designed "to inflict serious bodily harm or death."

"We agreed that it didn't make much sense to give them stuff and not have them able to move it to the people who need it," a spokesman for the Senate Intelligence Committee said.

But both House and Senate sources said that the bill had not been intended to shift the use of U.S. aid substantially into transporting weapons.

"Some of it may go on, but it shouldn't change the nature of the program," a Senate source said.

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A spokesman for the largest contra army, the Nicaraguan Democratic Force, said his group wants to buy both trucks and helicopters with the funds. But he said the contras' plan to wait until the Administration and Congress work out their differences before submitting a specific request.

"The most important thing to us is the political consensus in Congress in favor of our cause, and we will not do anything that might jeopardize that," the Democratic Force spokesman, Bosco Matamoros, said.

When the intelligence bill was debated in the House, Intelligence Committee Chairman Lee H. Hamilton (D-Ind.) noted that it allows the CIA to provide information and advice to the rebels.

"However, training or any other activities—including advice—that amount to participation in the planning or execution of military activities by the contras . . . is prohibited," he said.

Under the bill, the CIA can give the contras information about Nicaraguan military movements gathered by U.S. surveillance flights and radio intercepts. Congress also authorized the CIA to provide the contras with sophisticated radios so they can receive that intelligence information quickly and in a coded form that the Sandinistas cannot overhear.

Reagan called the intelligence bill a "congressional vote of support" for the contras and "a recognition of the threat the repressive Sandinista regime in Managua poses to all the peoples of Central America."

"Although the Congress did not authorize the full program requested by the Administration to support the democratic forces in Nicaragua and to facilitate the reconciliation of the Nicaraguan people, the legislation is a positive step and furthers important United States policy objectives in this vital region," he said.

The bill was passed in the House by a lopsided 387-21 vote and approved in the Senate by voice vote.

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APPENDIX 2

LETTER TO THE HONORABLE ROBERT W. DUEMLING, DIRECTOR, NICARAGUAN HUMANITARIAN ASSISTANCE OFFICE, FROM THE HONORABLE LEE H. HAMILTON, CHAIRMAN, HOUSE SELECT COMMITTEE ON INTELLIGENCE, REGARDING THE PROVISION OF VEHICLES TO THE UNITED NICARAGUAN OPPOSITION

December 16, 1985

Honorable Robert W. Duemling
Nicaraguan Humanitarian Assistance Office
Room 228, SA-6
c/o Department of State
Washington, D. C. 20520

Dear Mr. Ambassador:

It has come to my attention that the Nicaraguan Humanitarian Assistance Office is being urged to provide various kinds of transportation equipment to the United Nicaraguan Organization (UNO). Assistant Secretary of State Elliott Abrams, in testimony before the Western Hemisphere Subcommittee of the House Foreign Affairs Committee, testified that, in the opinion of the Administration, transportation equipment may be provided which may then be used to transport both lethal and nonlethal aid to contra forces.

The conferees in the Intelligence Authorization Act for Fiscal Year 1986 expressed the opinion that the program of $27 million in humanitarian assistance to the contras could include the provision of transportation equipment. The conferees made no effort to restrict the kind of equipment that could be provided except to say that it could not be modified to inflict death or bodily harm. The Supplemental Appropriations Act of 1985 places a similar limitation on any humanitarian assistance provided to the contras but is otherwise silent on questions relating to transportation.

It may be argued that, in a technical sense, relevant legislation does not prohibit the provision of transportation equipment which can or will be used to provide both lethal and nonlethal assistance to the contras. At the same time, a decision to purchase equipment which undoubtedly has dual uses seems to run against the clear intent of the Supplemental Appropriations Act, especially if the purchase of such equipment consumes significant amounts of humanitarian assistance funds remaining to be distributed by the Office. I believe your policy to date of avoiding even the appearance of questionable interpretation of the statute has led to wide acceptance in the Congress of your stewardship of the humanitarian assistance program. It runs against the spirit of the law to wink at lethal use of transportation equipment provided under the guise of humanitarian assistance.

The President can, and probably will, seek additional assistance for the contras in the coming months. The climate in which the President's request is considered by Congress will certainly be affected by the prudence and adherence to the spirit of the legislation with which the humanitarian assistance program has been administered.

With best wishes, I am

Sincerely yours,

Lee H. Hamilton
Chairman

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APPENDIX 3

TEXT OF THE PRESIDENT'S REPORT TO CONGRESS ON NICARAGUA, DATED NOVEMBER 6, 1985

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release November 14, 1985

TEXT OF A LETTER FROM THE
PRESIDENT TO THE SPEAKER OF THE
HOUSE OF REPRESENTATIVES, THE
PRESIDENT OF THE SENATE, AND
THE CHAIRMEN OF THE SENATE AND
HOUSE SELECT COMMITTEES ON INTELLIGENCE

November 14, 1985

Dear Mr. Speaker: (Dear Mr. President:) (Dear Mr. Chairman:)

The enclosed report is transmitted in compliance with the requirements of Section 722(j) of the International Security and Development Cooperation Act of 1985 (P.L. 99-83), and Section 104 of Chapter V of the Supplemental Appropriations Act, 1985 (P.L. 99-88).

The report, with appropriate background, describes efforts by the United States and others, including developments in the Contadora process, to promote a negotiated settlement in Central America and Nicaragua; alleged human rights violations by the democratic resistance and the Government of Nicaragua; and disbursement of humanitarian assistance to the democratic resistance (with a classified annex).

During the period covered by the report, the Sandinistas have continued their refusal to engage in dialogue with the democratic opposition and have adopted an intransigent position in Contadora negotiations. The October 15 suspension of civil liberties dramatically reflected the Sandinistas' continued repression of human rights and their desire to silence their opponents rather than pursue internal reconciliation.

The events of the ninety days covered by the attached report clearly show the need for continued support for the Nicaraguan democratic resistance. Only it can provide the sharp pressure needed to move the Sandinistas toward serious negotiations and prevent the consolidation of a totalitarian state allied with Cuba and the Soviet bloc in Central America.

An identical letter with a copy of the attached report has also been forwarded to the President of the Senate and the Chairmen of the Senate and House Select Committees on Intelligence.

Sincerely,

RONALD REAGAN

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THE WHITE HOUSE REPORT ON NICARAGUA

November 6, 1985

EFFORTS TO PROMOTE A SETTLEMENT
IN CENTRAL AMERICA AND IN NICARAGUA*

It has been the consistent view of the United States that the domestic and foreign policies of the Sandinista National Liberation Front (FSLN) are the root source of inter-state tensions in Central America. Sandinista policies are also the cause of the internal conflict in Nicaragua. Those policies have created a democratic resistance in Nicaragua. Those policies led the resistance to conclude that change in Nicaragua would be possible only through a resort to arms. Sandinista backing of insurgent groups, in the form of organization, command and control, training, communication and logistical support, has been the major factor in the level and duration of conflict elsewhere in the region, especially El Salvador. Both the domestic and foreign policies of the Sandinistas are at issue in the Contadora process, which is seeking a regional peace settlement among the five Central American states.

The United States seeks to change those policies in four ways that would benefit peace in Central America. We seek:

-- termination of all forms of Nicaraguan support for insurgencies or subversion in neighboring countries;

-- reduction of Nicaragua's expanded military/security apparatus to restore military equilibrium in the region;

-- severance of Nicaragua's military and security ties to the Soviet Bloc and Cuba and the return to those countries of their military and security advisers now in Nicaragua; and

-- implementation of Sandinista commitments to the Organization of American States to political pluralism, human rights, free elections, non-alignment, and a mixed economy.

The United States has sought to achieve these objectives in two principal ways:

-- We have supported a verifiable and comprehensive implementation of the September 1983 Document of Objectives of the Contadora process as the best hope for achieving an enduring regional peace; and,

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* Aspects of these efforts are also treated in Part III of United States Department of State Special Report No. 132: "'Revolution beyond Our Borders': Sandinista Intervention in Central America." September, 1985.

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-- Consistent with Contadora principles*, we have urged the Sandinistas to enter into direct talks with the Nicaraguan democratic resistance and civil opposition.

U.S. Support for Contadora

As Secretary of State Shultz informed the International Court of Justice in August, 1984:

> The United States fully supports the objectives already agreed upon in the Contadora process as a basis for a solution of the conflict in Central America. The objectives of United States policy toward Nicaragua are entirely consistent with those broader agreed objectives and full and verifiable implementation of the Contadora Document of Objectives would fully meet the goals of the United States in Central America....

By design of Contadora's participants, the United States does not take part in the Contadora process. In October 1982, three months before Contadora's inception, the United States and seven other democratic states of the region sought to engage Nicaragua in a multilateral diplomatic dialogue. But the Sandinistas declined to receive the Costa Rican Foreign Minister, acting as emissary for the group, on the grounds that a dialogue with a group including the United States would be structured to its disadvantage. When Colombia, Mexico, Panama, and Venezuela subsequently initiated the Contadora process, they chose not to include the United States in order to meet this Sandinista concern. Informed of this decision through diplomatic channels, we indicated our understanding and support for this initiative.**

The means available to us to support these regional negotiations as a result are necessarily indirect. Our support has taken various forms. Since Contadora began, we have made it clear repeatedly, both publicly and privately, that we support Contadora objectives. The President expressed that support authoritatively on April 27, 1983, before a Joint

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* The Document of Objectives and all three drafts of a Contadora agreement provide for dialogue to promote national reconciliation.

** Ironically, Nicaragua in time objected to Contadora on the grounds that the United States was not a participant. This was a major reason why the Manzanillo talks were undertaken. President Ortega is reported to have suggested U.S. participation in the Contadora process during meetings with other Latin American leaders in New York, in October, 1985.

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Session of the Congress.* Shortly thereafter the President created the position of United States Special Envoy for Central America to give focus to that support and make it more effective.

Former Senator Richard Stone served as Special Envoy from May 1983 to February 1984. Ambassador Harry W. Shlaudeman was appointed U.S. Special Envoy in March 1984 and has served continuously since that time. In twenty months Ambassador Shlaudeman has made 34 trips abroad and held 179 separate exchanges with ranking officials.

The United States sought to support Contadora directly during nine rounds of bilateral talks with the Government of Nicaragua June-December 1984. Those talks were undertaken at the request of the Contadora Group for the express purpose of facilitating a successful outcome of the Contadora process. Nicaragua sought to use the talks to negotiate a bilateral settlement with the United States in lieu of a Contadora agreement. In January 1985 the United States declined to schedule further discussions pending demonstration that Nicaragua was prepared to negotiate seriously within the Contadora framework.**

U.S. Support for National Reconciliation in Nicaragua

National reconciliation through dialogue in countries with armed insurgencies is a fundamental principle of the Contadora process. It was explicitly accepted by all five Central American states, Nicaragua included, in the September 1983 Document of Objectives. Although they signed the Document of Objectives, the Sandinistas have consistently rejected dialogue with the Nicaraguan democratic resistance.*** The Sandinistas seek instead to portray the crisis in Central America as deriving from United States hostility toward the Nicaraguan revolution. We believe that the Sandinistas' refusal to deal directly with their own people and with the legitimate concerns of their neighbors constitutes a major roadblock to peace in Central America.

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* The President stated U.S. support again in a July 23, 1983 letter to the Presidents of Mexico, Panama, Colombia, and Venezuela -- the four Contadora Group countries.

** See "Revolution Beyond Our Borders," pages 29-30.

*** The following statement by Tomas Borge, quoted in Daily Barricada, June 27, 1985, is characteristic: "We will negotiate with the Contras on the day the right wing parties and COSEP count all the grains of sand in the sea and all the stars in the sky. When they finish we will ask them to count them all again."

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Both the internal and external opposition have proposed dialogue. On February 22 the internal opposition set forth the conditions under which a national dialogue could be successfully conducted. These included the lifting of the state of emergency*; freedom of expression; a general amnesty and pardon for political crimes; restoration of constitutional guarantees and the right of habeas corpus; guarantees of the safety of members of the resistance movement who participate in the dialogue; and the implementation of these measures under the supervision of guarantor governments.

On March 1 the externally-based opposition (including representatives of the FDN, the Miskito group MISURA, ARDE, and prominent democratic civilian leaders such as Arturo Cruz) proposed a national dialogue to be mediated by the Nicaraguan Catholic Church. It included a mutual in situ cease-fire and acceptance of Daniel Ortega as President until such time as the Nicaraguan people decided on the matter through a plebiscite. On March 22, the Nicaraguan Catholic Church hierarchy (Episcopal Conference) issued a communique reiterating its support for a national dialogue and declaring its willingness to act as a mediator.

President Reagan on April 4 undertook an initiative to support these possibilities. A key feature was the offer to refrain from providing military assistance to the democratic resistance if the Sandinistas accepted the March 1 offer. Although the Sandinistas rejected (and continue to reject) dialogue with the democratic resistance, the President's initiative did serve to focus attention on this fundamental issue.**

In the context of Congressional consideration of the Administration's request for humanitarian assistance for the Nicaraguan democratic resistance, the President in a June 11 letter to Representatives Robert Michel (R-Ill.), Dave McCurdy (D-Ok.), and Joseph McDade (R-Pa.) stated that:

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* First imposed in March, 1982; additional civil liberties were suspended October 15, 1985.

** The President's April 4 initiative is described in: (1) "President Reagan Supports Nicaraguan Peace Process," United States Department of State Current Policy No. 682, April 4, 1985; (2) "U.S. Support for the Democratic Resistance Movement in Nicaragua," April 10, 1985: Unclassified Excerpts from the President's Report to the Congress Pursuant to Section 8066 of the Continuing Resolution for FY-1985, PL 98-473; (3) "The New Opportunity for Peace in Nicaragua;" April 17, 1985: Prepared Statement by Assistant Secretary of State Langhorne A. Motley, before the Subcommittee on Western Hemisphere Affairs of the House Committee on Foreign Affairs; and (4) "The Nicaraguan Peace Process: A Documentary Record;" Department of State Special Report 126, April 1985.

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> I recognize the importance that you and others attach to bilateral talks between the United States and Nicaragua. It is possible that in the proper circumstances, such discussions could help promote the internal reconciliation called for by Contadora and endorsed by many Latin American leaders. Therefore, I intend to instruct our special Ambassador to consult with the governments of Central America, the Contadora countries, other democratic governments, and the United Nicaraguan Opposition as to how and when the U.S. would resume direct bilateral talks with Nicaragua. However, such talks cannot be a substitute for a church-mediated dialogue between the contending factions and the achievement of a workable Contadora agreement. Therefore, I will have our representatives meet again with representatives of Nicaragua only when I determine that such a meeting would be helpful in promoting these ends.

Ambassador Shlaudeman conducted such consultations with the governments of Central America and the Contadora Group in visits to the region in late June and early July, and in early September with the governments of the Contadora Support Group (Argentina, Brazil, Peru, and Uruguay). The Contadora Group and Support Group governments generally favored resumption and the Contadora Group publicly called on the United States to do so on July 22. Costa Rica, Honduras and El Salvador did not favor such a course (Guatemala did not express a strong view one way or the other). These Central American countries argued that the Manzanillo talks had distracted from and undermined the primacy of Contadora talks where they are the negotiators; that U.S.-Nicaraguan bilateral talks legitimized Sandinista efforts to portray the Central American crisis as a U.S.-Nicaraguan conflict amenable to full resolution through arrangements between those two countries; and that it would be particularly inappropriate for the United States to resume such talks in the aftermath of Nicaragua's disruption of Contadora negotiations in June.* Ambassador Shlaudeman also discussed the question with the leadership of the United Nicaraguan Opposition, which opposed resumption in the absence of the Sandinistas undertaking a serious dialogue with UNO. The subject was also regularly discussed in meetings with other interested governments during this same period.

On July 26, 1985, in Mexico City, Secretary Shultz explained the U.S. attitude toward national reconciliation and a resumption of bilateral talks with the Sandinistas as follows:

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* See discussion of June Contadora meeting below.

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> Nicaragua's purpose [in the Manzanillo talks], as now, was to negotiate bilateral accords dealing on a priority basis only with its security concerns. The Nicaraguan communists refused then, as they refuse now, even to consider dialogue with the Nicaraguan democratic resistance. These conflicting purposes were never reconciled and hindered progress from the start.
>
> The United States ultimately concluded that the talks were detracting from instead of contributing to a comprehensive Contadora settlement. In deciding in January of this year not to schedule further meetings we made it clear that we were not closing the door to their possible resumption under appropriate conditions. On June 11 the President made public his readiness to have United States representatives meet with representatives of Nicaragua when such a meeting would promote a church-mediated dialogue between the contending factions in Nicaragua and a workable Contadora agreement....
>
> We will continue to consult closely with all parties with a view to judging the appropriateness of a resumption of bilateral talks. We strongly urge Nicaragua to begin a church-mediated dialogue as proposed by the United Nicaraguan Opposition and to return to multilateral negotiations within the Contadora Process to continue work on a comprehensive and verifiable regional accord.

The Contadora Process in 1985

As 1984 came to a close, two draft agreements were under consideration within the Contadora process: a September 1984 revision of a June 1984 draft; and an October 1984 draft (the "Tegucigalpa" draft) that defined the position of Costa Rica, Honduras, and El Salvador. Following a period of private consultations among the participating governments, the Contadora Group scheduled a resumption of negotiations for mid-February. Nicaragua's refusal to respect the right of asylum, however, created a dispute with Costa Rica that prevented the February meeting from taking place. The dispute was resolved in March 1985 through Contadora Group mediation, and negotiations among Central American plenipotentiaries resumed in April.

The April 11-12 meeting resulted in agreement in principle on revised verification procedures. All five Central American governments reserved the right, however, to propose modifications. A second meeting, May 16-18, was devoted primarily to discussion of approaches suggested by the Contadora Group for resolving outstanding security issues. The May meeting focused in particular on those elements of the October 1984 "Tegucigalpa" proposals of Honduras, Costa Rica, and El Salvador that the Contadora Group judged could be

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incorporated into the September 7 draft without difficulty. There reportedly was consensual acceptance of some of these non-controversial suggestions, particularly in the preambular section of the working draft.

At the conclusion of the May meeting, the Contadora Group governments circulated a proposal to resolve the more difficult security issues for consideration at the next meeting, in June. When the June meeting convened, the Nicaraguan delegate insisted that Contadora discuss renewed U.S. support for the Nicaraguan democratic resistance and refused to discuss the Contadora compromise proposal. Contadora Group efforts to have the Nicaraguan delegation reconsider were unsuccessful. In this situation, the June meeting was adjourned.

Nicaragua's disruption of the June meeting caused a suspension in the plenipotentiaries' negotiations that was to last four months. In July, the Contadora Group foreign ministers met in Panama to consider how the damage could be repaired. In a July 22 communique the Contadora Group Foreign Ministers announced their intention to consult bilaterally with each of the Central American governments in lieu of resuming talks.

The foreign ministers also called on Nicaragua and the United States to resume bilateral talks and on Costa Rica and Nicaragua to initiate a bilateral dialogue on a continuing series of Sandinista Army incursions into Costa Rican territory. After protesting innumerable such incidents in bilateral channels in vain, Costa Rica was prompted by a May 31 incident in which two Costa Rican Civil Guardsmen were killed on Costa Rican soil to seek an OAS investigation and condemnation of Nicaragua. The investigation established the facts, which pointed to Sandinista Army responsibility for the deaths. The OAS report refrained from stating that conclusion explicitly, however, and the OAS resolution deplored the incident instead of condemning Nicaragua and endorsed Nicaraguan and Costa Rican bilateral border talks within the Contadora framework. Costa Rica, which has relied on the Inter-American System for its national security, felt let down by the lack of forceful action and has been unwilling to hold the talks unless the Sandinistas satisfactorily explain the incident. Further incidents -- in which Sandinista planes dropped bombs and fired a rocket into Costa Rican territory -- took place on July 26 and August 21.

Three of the Central American governments -- Costa Rica, Honduras, and El Salvador -- on August 1 welcomed the visit of Contadora Group vice ministers and jointly proposed that the negotiations among plenipotentiaries should be reconvened as a prior step to developing a third draft. They proposed that the talks be strengthened by meeting in more prolonged sessions

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that would give the meetings a "permanent character." Following consultations August 3-8 between the Contadora Group vice ministers, Costa Rica, Honduras, and El Salvador formally reiterated this proposal September 4. The three governments also stated their view that the key remaining issues to be resolved were national reconciliation, arms and troop level reductions, and verification.

Nicaragua's disruption of the June meeting and the suspension of plenipotentiaries' talks produced generalized concern that the Contadora process was in difficulty. Special Envoy Shlaudeman consulted with the Contadora Group and democratic Central American governments following the aborted meeting in June to urge that the meetings of plenipotentiaries be reconvened. Ambassador Shlaudeman also expressed the U.S. view that any procedural or substantive inducement to Nicaragua to return to the process would invite further disruption and counseled patience. Ambassador Shlaudeman was asked by one Contadora Group government if the United States would, at an appropriate opportunity, publicly reaffirm its support for the Contadora process. The Secretary of State Shultz did so on July 26, in Mexico City:

> The United States fully supports efforts to achieve a political solution to the Central American crisis. We have given strong support to the efforts of the Central Americans themselves, assisted by the Contadora Group, to achieve a negotiated settlement. In our view, there exists in the Contadora Document of Objectives a fair, comprehensive and balanced framework for such an outcome. We expressed our support for a comprehensive and verifiable implementation of the Document of Objectives when it was agreed in September 1983. We reaffirm that support today.

The suspension of talks prompted expressions of support for Contadora from other governments as well. Following consultations with the Contadora Group governments, the governments of Argentina, Brazil, Peru, and Uruguay on July 28 formed a "Contadora Support Group." The foreign ministers of these governments met with the Contadora Group foreign ministers in Cartagena, Colombia August 23-25 to consult on how that support could be provided most effectively. A joint communique issued by the eight governments stated that there would be regular consultations among the governments in support of the negotiating process but did not, by mutual agreement, contemplate the direct participation of the Support Group governments in Contadora deliberations.

Ambassador Shlaudeman visited Buenos Aires, Montevideo, Brasilia, and Lima, the four Support Group capitals, September 10-13 to convey U.S. support for Support Group activities. The Department of State had made an official

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statement on August 26 welcoming formation of the Support Group, following the meeting in Cartagena. In his discussions, Ambassador Shlaudeman suggested it would be useful for the Support Group to consult directly with all the Central American governments; to urge the Sandinistas to accept the proposal of the United Nicaraguan Opposition for a church-mediated dialogue; and to meet directly with UNO leaders to form first-hand judgments as to their purposes and programs. He also briefed the Support Group governments on the Manzanillo talks and outlined United States views on the requirements for an effective and lasting peace in the region.

Costa Rica, Honduras, and El Salvador jointly requested a meeting with the Support Group governments during a September 12-13 meeting of Contadora process foreign ministers in Panama. The Support Group foreign ministers declined the request, however, out of concern that such a meeting not interfere with the Contadora process itself.

The four Contadora Group foreign ministers presented the five Central American foreign ministers a third draft of a Contadora agreement at a meeting in Panama September 12-13. The nine ministers agreed to convene negotiations on October 7, 1985 with the aim of reaching final agreement in a period not to exceed 45 days.* It was also agreed that discussion would be devoted exclusively to the timing of entry into effect and duration of commitments; control and reduction of armaments; verification in security and political matters; military exercises; and operational matters that must be addressed in order to implement an agreement. It was further agreed that incidents or developments in the region would not be discussed in the meetings or condition the participation of any delegations. The Contadora Group ministers stressed that the Central American states have exclusive responsibility for reaching agreement.

The first round of talks were held October 7-11, 1985 on Contadora Island, off the coast of Panama. A second round of talks was held October 17-19**. A third round is currently scheduled for November 6-9. While various delegates have characterized the talks in comments to reporters, the participating governments have refrained from issuing any joint statements or communiques.

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* It has been suggested by some Contadora Group government officials that this refers to negotiating, not calendar, days.

** Several delegations noted the presence on Contadora Island during the talks of German Sanchez, an official of the Americas Department of the Cuban Communist Party.

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U.S. Diplomatic Contacts with Nicaragua

The United States has continued, since declining to schedule further meetings in the Manzanillo talks, to have diplomatic contacts with Nicaraguan government officials, in Managua, Washington and other capitals. Secretary Shultz, for example, met with Nicaragua President Ortega March 2 in Montevideo, during the inauguration of President Sanguinetti. Vice President Bush spoke with President Ortega during the inauguration of President Sarney of Brazil March 16. There have been a number of contacts between Ambassador Bergold and Sandinista Government officials, as well as contacts at a lower level. In Washington, there have been meetings between Nicaraguan Ambassador Tunnermann and National Security Council officials and with Assistant Secretary of State for Inter-American Affairs Elliott Abrams.

The United States sought a meeting for Ambassador Shlaudeman with a high-level Nicaraguan official on the margins of the United Nations General Assembly this fall. The Nicaraguan Government initially accepted a meeting between Ambassador Shlaudeman and Assistant Secretary Abrams and Foreign Minister D'Escoto. The Nicaraguan Government then proposed, however, to send a lower ranking official to the proposed meeting. Ultimately, Nicaragua accepted the U.S. suggestion that Ambassadors Shlaudeman and Tunnermann meet in Washington. The two ambassadors met on October 29 and October 31, 1985.

In the October 29 meeting Ambassador Shlaudeman informed Ambassador Tunnermann that the United States would be prepared to resume bilateral talks if the Sandinistas were to accept the March proposal of the United Nicaraguan Opposition for a church-mediated dialogue and cease-fire. Ambassador Shlaudeman said that progress in this dialogue would make it possible to resolve U.S.-Sandinista bilateral problems. Ambassador Tunnermann responded on October 31 that the Government of Nicaragua rejects dialogue with the democratic resistance.

The President's Initiative on Regional Conflicts and the U.S.-Soviet Experts' Talks

On October 24, in his address to the United Nations General Assemby, President Reagan presented an initiative on regional conflicts that is intended, in part, to support the Contadora process and an end to the conflict in Nicaragua.

President Reagan's initiative aims at achieving peace and internal reconciliation, ending foreign military involvement, and fostering economic reconstruction in five of the most pressing international conflicts: Afghanistan, Cambodia, Angola, Ethiopia and Nicaragua.

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The President's plan sets forth a comprehensive and flexible framework for cooperation toward these goals among the warring parties themselves, between the U.S. and the Soviet Union, and among other interested parties. The plan, which would complement and bolster existing peace-making efforts, involves action at three levels:

-- The starting point is a process of negotiation among the warring parties themselves. "The form of these talks may and should vary," the President explained, "but negotiations -- and an improvement of internal political conditions -- are essential to achieving an end to violence, the withdrawal of foreign troops and national reconciliation."

-- The second level involves joint U.S.-Soviet talks about how best to support the ongoing talks among the warring parties, when those negotiations make genuine progress. "In every case," the President said, "the primary task is to promote this goal: verified elimination of the foreign military presence and restraint on the flow of outside arms."

-- The third level entails an international effort to welcome these countries back into the world economy. The President pledged the United States would respond generously to their democratic reconciliation with their own people, their respect for human rights, and their return to the family of free nations.

This plan puts the primary responsibility on the parties in conflict themselves to reach accommodation; as the President points out, it is not for the United States or the Soviet Union to impose solutions. Yet it also provides a framework for the Soviet Union to cooperate with the United States in helping to bring peace to Nicaragua.

Pursuant to a 1984 presidential proposal, the United States and the Soviet Union held experts' talks on Central America and the Caribbean October 31 - November 1 in Washington. The talks were the fifth in a series of such exchanges on regional issues. Previously experts' meetings (at the level of Assistant Secretary) treated East Asia, Afghanistan, the Middle East and Southern Africa.

The purpose was to clarify U.S. policy, making it clear that the United States intends to defend its interests, and thereby reduce the possibilities of unnecessary conflict. The talks held so far have been useful in understanding the Soviet position and making the Soviets understand the U.S. position.

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As the foregoing indicates, the experts' meetings were held under the rubric of the President's 1984 proposal, not the 1985 initiative on regional conflicts, and were in no sense negotiations.

Economic and Trade Measures

Both the National Bipartisan Commission on Central America and the Congress have recommended use of trade and economic measures to promote a resolution of the conflict in Central America and Nicaragua, and we have regularly consulted with our trading partners and allies on this question. Positive economic incentives for Nicaragua to resolve its internal conflict have formed an integral part of every proposal the United States has made to the Sandinistas since they came to power in 1979. The President's October 24 initiative on regional conflict (see above) proposes generous economic aid where democratic national reconciliation takes place.

Even prior to the United States embargo imposed in May, 1985, Nicaraguan trade with the United States, Latin America, and other traditional trading partners had been declining because of Nicaragua's lack of creditworthiness. The composition of foreign aid to Nicaragua had also changed dramatically, with the Soviet Bloc replacing the West as primary credit suppliers and as aid donors. Any increased aid from Western donors is likely to go to regional institutions such as the Central American Bank for Economic Integration (CABEI). Neither CABEI nor most of the multilateral financial institutions are presently approving new loans to Nicaragua owing to its serious payment arrearages to many of these institutions. Nicaragua's dependence on the Soviet Union and its allies is expected to continue to increase, although not at levels sufficient to offset its economic decline.

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HUMAN RIGHTS ISSUES

The Nicaraguan Democratic Resistance

The Sandinista regime's intolerance of dissent has resulted in a growing democratic resistance movement in Nicaragua. The most prominent leaders of this movement had been leaders of democratic sectors in the broad coalition which eventually overthrew former Nicaraguan President Anastasio Somoza. They were forced into opposition by the Sandinistas' betrayal of the promise of a pluralistic system, one of the principal goals for which the 1979 revolution was fought. Refusing to pursue internal reconciliation, the Sandinistas instead have taken increasingly repressive measures to silence the democratic opposition and consolidate a totalitarian system. As a result, increasing numbers of Nicaraguans from all walks of life have felt compelled as a last resort to take up arms against the regime. Today, the democratic resistance has approximately 18,000 men and women under arms and shows every indication of continuing to grow in strength.

Resistance forces have been charged by the Sandinista regime with a wide range of human rights abuses, from forced recruitment to rape and summary execution. These allegations have received broad coverage in the government-owned media and have been disseminated abroad through international human rights organizations and foreign groups active in Nicaragua and sympathetic to the Sandinista regime. Many of these allegations are either false or greatly distorted. Some excesses, however, including instances of forced recruitment and summary execution of military prisoners or, in certain cases, Sandinista officials and regime informers, may well have occurred. It is also clear that individual soldiers in the course of combat have committed random abuses or atrocities. Such violations are unacceptable, and resistance leaders are keenly aware of the necessity of improving the performance of their troops in this area. The principal resistance group, the United Nicaraguan Opposition (UNO), has taken measures to eliminate human rights violations committed by soldiers subordinate to its direction.

As in any conflict, there has been a serious lack of reliable information on human rights abuses that occur in isolated combat zones. While UNO has begun to record instances of abuse by its personnel, as well as remedial or punitive measures taken in response, such information was not in the past collected on a systematic basis.

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Heretofore, the only regularly received allegations of resistance violations have come from Sandinista sources. These allegations have been biased, grossly exaggerated and often false. This conclusion is supported by residents in communities where atrocities allegedly have been committed and by the testimony of Sandinista defectors who were directly involved in implementing official policy. A key element in the Sandinista campaign has been the fabrication of charges of human rights abuses and, in some cases, attribution to the resistance of atrocities actually committed by Sandinista forces. The following cases illustrate these tactics:

-- In April 1985 U.S. Embassy personnel in Honduras, seeking information concerning resistance abuses, interviewed a number of Nicaraguan refugees. One woman related that a Cuban operating with Sandinista troops had executed seven farmers in her home village in December 1983 after an attack by the resistance. The farmers were considered resistance sympathizers by the authorities. The murders were publicly attributed by the authorities to the resistance. The true facts were later circulated by residents who had witnessed the killings.

-- In a complaint filed through his mother in the summer of 1985 with the independent Permanent Commission on Human Rights, a Sandinista soldier stated that he had been severely pressured by military authorities to issue statements claiming he had been abused while held captive by the resistance. He said that although he had been exposed to resistance political views, he had been well treated and given medical assistance. He was asked if he wanted to join the resistance, but when he refused was escorted some distance from the camp and released. The soldier refused to make the statements sought by the authorities. He was then beaten badly and turned over to State Security. The soldier stated that he had been warned that he would be held in jail until he cooperated with the authorities in their disinformation campaign.

-- A Sandinista Army deserter, now fighting with the resistance, said he decided to go over to the other side when his unit carried out orders to execute two campesinos specifically for the purpose of blaming yet another atrocity on the "contras."

-- According to those on the scene, a government press story that FSLN and neighborhood defense committee members had been brutally murdered in an August 1, 1985 "contra" attack on Cuapa was false. Witnesses said the encounter was a military-to-military engagement which left a number of Sandinista soldiers dead; there were no civilian casualties. Following the fight, the resistance

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troops held a town meeting with residents, after which they left. Nevertheless, there were press reports that the "contras" had not only murdered innocent civilians, but skinned their faces. It appears that the Sandinistas mutilated the bodies of some of their own casualties to substantiate such a charge.

The incidents cited above represent cases where available information suggests that the facts have been purposely distorted by the Sandinista regime. In most instances, however, it is not possible to confirm or deny allegations presented by the regime, a situation that should be partially remedied by more complete information being collected by UNO.

There is reason to believe that the resistance has in the past abducted civilians. Statements from a number of sources who have themselves been taken by the resistance indicate a pattern in which civilian prisoners, under reasonably humane circumstances, are exposed to "political indoctrination" (i.e. lectures on resistance goals, abuses of authority by the Sandinistas, etc.), given food and medical treatment, and offered one of three choices: joining with the resistance; accepting refugee status in another country; or returning to their homes.

An example is provided in the case of seven members of Sandinista "education brigades" -- squads of young adults who provide basic education in rural areas -- who were taken prisoner by the resistance at various times and places. Rather than return home, they have chosen to remain with the armed opposition. In letters sent to their families through the Red Cross in April 1985, the former brigadistas speak openly of their opposition to the policies of the Sandinista regime and their desire to see a free and democratic Nicaragua. Several of them vociferously reject allegations of opposition abuses. The Sandinistas continue to use the "kidnapping" of these and other brigadistas in propaganda charges against the resistance.

There have been civilian casualties from resistance attacks, in some cases as a direct result of the Sandinista policy of placing civilians in situations in which they are likely to be endangered during attacks on legitimate military targets. This was true, for example, in the July 1985 deaths of eight women who were being transported in a military vehicle, along with soldiers, to visit their sons at the front.

There is no reliable information to confirm that military prisoners have been executed by resistance forces, although such executions may have occurred. Summary executions are contrary to accepted rules of conflict, regardless of the circumstances contributing to the practice.

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Since its establishment in June 1985, UNO has taken steps to prevent human rights violations by establishing an office of human rights to educate troops on proper conduct towards both civilians and prisoners of war. During their basic military training, UNO troops receive one hour of instruction daily on human rights based on the Geneva Conventions, the American Convention on Human Rights, UNO's "Code of Conduct," and the "Manual of the Combatant." The "Manual of the Combatant" emphasizes humane treatment of enemy prisoners and wounded and respect for the property and well-being of innocent civilians. UNO's "Code of Conduct" sets forth specific punishments for criminal acts, including those against civilians.

Arturo Cruz, a member of the UNO Directorate, has been assigned special responsibilities for overseeing measures to promote respect for human rights by UNO forces. Ismael Reyes, the former President of the Nicaraguan Red Cross, has been named head of the UNO Human Rights Commission. UNO has also created a "red cross" society to promote the humane treatment of military prisoners. In establishing this informal "red cross" society, UNO leaders have emphasized in communications with the International Committee of the Red Cross the organization's intent to abide by the provisions of the Geneva Convention of 1949, in particular those regarding the humanitarian treatment of prisoners, enemy wounded and civilians.

UNO/FDN also has corresponded with the International Committee of the Red Cross to institute a regular mechanism under which prisoners can be released and/or exchanged. Although a decision is pending on the UNO/Nicaraguan Democratic Force (UNO/FDN) request for assistance in this endeavor, a number of prisoners have already been released. On May 13, 1985, 17 prisoners were released in the presence of witnesses in the towns of La Batea, El Espabel and El Cacao. Another nine were set free on September 19, again in the presence of witnesses, in the Somotillo/Rio Negro area of Chinandega Department. While comprehensive information is lacking concerning conditions of imprisonment, it is possible to confirm that some, such as the Sandinista soldier mentioned earlier, are detained under humane conditions.

UNO has provided Red Cross offices lists of Sandinista prisoners and dead and information regarding persons reported missing. It has forwarded letters from Sandinista prisoners. UNO has also invited the Inter-American Commission on Human Rights to send a representative to observe the conduct of its forces in the field.

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A recent report prepared by the Director of the UNO Commission of Human Rights reviews twenty-one cases in which members were accused under the "Code of Conduct" of crimes ranging from theft to homicide and lists punishments accorded those found guilty. Of the 21 persons whose court-martials are addressed in the report, 19 were convicted and two found innocent. The two murder cases were a case of accidental shooting and a "crime of passion" involving only members of the FDN. In one of the cases, the defendant had stolen a horse and a pistol from a Nicaraguan civilian. Because of his mistreatment of a civilian, the normal two-year sentence was doubled.

Nineteen UNO/FDN combatants are reported currently held in detention facilities at resistance camps, serving sentences imposed in accordance with the "Code of Conduct." Resistance members have also been expelled from the movement for criminal actions which may have involved human rights abuses. The punitive measures taken against human rights offenders and the efforts underway to improve the resistance record clearly indicate that the resistance leadership does not condone human rights violations and has taken positive action to prevent their occurrence.

The Sandinista Regime

On October 15, Daniel Ortega announced a new State of Emergency suspending virtually all civil liberties in Nicaragua. The decree signaled an escalation in the assault on basic freedoms, providing further legal underpinning to the consolidation of a totalitarian regime. The 1982 State of Emergency was partially lifted in 1984 as part of pre-election atmospherics; in reality, the policy of intolerance towards dissent continued in force through arbitrary arrests, detentions, and interrogations and the forcible disruption of religious, political, private sector, and labor activities. The new decree suspends the following rights and freedoms:

-- freedom of expression;

-- freedom of the press;

-- the right of assembly;

-- the right to trial by jury;

-- the right to be considered innocent until proven guilty;

-- the right of habeas corpus;

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-- freedom from arbitrary imprisonment;

-- freedom of movement;

-- the right to form labor organizations and to strike;

-- the right to found and advance community, rural and professional organizations; and

-- the right to found and advance cooperatives.

It was subsequently clarified in the National Assembly on October 30 that certain rights are to remain in effect -- the right to a jury, the right to an attorney, and the right to habeas corpus -- but only for those not accused of crimes against "the security of the nation and public order." The decision as to what constitutes a crime against national security or public order rests with the Sandinista authorities, and it is apparent that ordinary political and civic activities are being placed in that category.

The Sandinistas have offered several rationales for the further oppression of the Nicaraguan people, among which they include the need to protect the public against the armed resistance. There would seem to be a striking inconsistency in attempting to close ranks against an opponent -- particularly one allegedly enjoying little or no public support and whose defeat, according to the regime, is imminent -- by launching an assault on the public at large. Analysis of the rising level of domestic unrest in the months preceding the announcement suggests that the actual motive was a sense that diminishing public support for regime policies had reached a dangerous level.

The crackdown was particularly directed at the Catholic Church, traditionally one of the strongest institutions in Nicaragua. The October 15 decree followed a series of Sandinista actions against the Catholic Church, including the forced induction of eleven youths preparing for the priesthood; armed raids on the broadcasting facilities of Radio Catolica and disruption of transmissions of Cardinal Obando y Bravo's homilies; confiscation of the newly-published Church newspaper La Iglesia and seizure of the printing equipment used in its publication; and occupation of the Church Curia Social Services offices. The authorities have now intensified the attack not only on the Church -- some of the most prominent leaders of which have been vilified as counterrevolutionaries in the government press -- but on virtually all other sectors of the opposition.

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Agents of State Security have rounded up leaders of political, private sector, labor, and Church organizations, subjecting them to interrogations and threatening further action should they fail to observe the new prohibitions. One labor group, the Nicaraguan Workers Central (CTN) -- associated with the Social Christian Party -- has been closed down and three of its officials arrested and interrogated; political leaders have been warned against the issuance of public statements or holding of political meetings; and thousands of worshippers have been prevented by force from attending masses given by Cardinal Obando. Over a hundred persons have been rounded up and paraded as the centerpiece in the Sandinista campaign against the "internal front," another justification offered by the Sandinistas for their actions against the public. The policies now in force are clear evidence of the regime's totalitarian goals, and underscore the growing level of popular alienation from the regime.

A sinister backdrop to these actions has been provided by the revelations of a recent Nicaraguan defector, Jose Alvaro Baldizon. The former chief investigator of the Special Investigations Commission, an immediate subordinate to Interior Minister Tomas Borge, Baldizon has offered detailed information, as well as supporting documents, indicating that the Sandinista regime engages in massive violations of human rights as a matter of policy. According to investigations carried out by Baldizon himself, the regime has sanctioned the summary execution of hundreds of Nicaraguans perceived to be "potential enemies of the revolution."

Specific cases investigated by Baldizon concern the application of "special measures" (execution) to 150 Miskito Indians and 300 campesinos, religious activists and political opponents. The most well-known of the Sandinistas' victims was Jorge Salazar, former Vice President of the Superior Council of Private Enterprise (COSEP), who was gunned down by State Security in 1980. Baldizon stated that weapons were placed in Salazar's vehicle after he was killed to lend credence to the charge that Salazar was planning armed insurrection in Managua. Baldizon further states that the policy of assassination has now been codified in a strict and highly-secret system of regulations governing the selection and execution of "potential enemies," authorization for which must be obtained in writing from Interior Minister Borge or his first deputy, Luis Carrion.

Baldizon's charges do not stand alone. They are complemented by a considerable body of information concerning Sandinista atrocities, some of which confirms the specific cases cited by Baldizon. The following examples represent only a small part of the information available on such abuses:

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-- On April 16, 1985, forces of the armed resistance attacked the Atlantic Coast town of Bluefields, during the course of which they freed prisoners held at the local garrison. While some of those freed fled with the resistance when the Sandinistas counterattacked, about 20 unarmed youths took shelter under a building. The Sandinista Army took the prisoners into custody. Town residents testify that the bodies of all of the youths were subsequently seen in a pile of "contra" corpses put on display as an example to local residents.

-- The Sandinistas have carried out extensive mining of border areas and around villages vacated at their orders. Although the ostensible purpose of the mining is to deny use to resistance forces, in fact many of the victims have been persons fleeing to the safety of Honduras. Indian villages in Mosquitia were similarly mined, and Indian guerrillas have stated that at least six persons have been killed by the mines when returning to their homes under Sandinista auspices.

-- According to a complaint filed with the Sandinista-sponsored human rights commission, several persons at the Carcel Modelo at Tipitapa went on a hunger strike in January 1985 to protest their continued detention on charges of which they were innocent and the conditions under which they were being held. As a result, they were brutally beaten, tortured, and held in isolation. There are other reports of mass executions of prisoners, including eight who headed an uprising at the Zona Franca prison in 1981.

-- Another complaint, filed with the independent Permanent Commission on Human Rights, relates the torture of Sofonios Cisneros Leiva, a 60-year old engineer and community leader, at State Security facilities. Cisneros was arrested the night of May 14, 1985, following a meeting he organized to discuss parental concerns over the forced Marxist indoctrination of their Church-schooled children. Cisneros was tortured by Lenin Cerna, head of State Security, who threatened to kill Cisneros, warned him to remain silent concerning his arrest, and had him dropped off naked on the Masaya highway.

-- According to residents in several villages, Sandinista troops have conducted deliberate attacks on civilians in order to attribute the atrocities to the resistance. For example, in March 1985 a hand grenade was thrown by Sandinista troops into a house at Los Cerritos, killing a husband and wife and their two children. In other cases, the forcible relocation of families from

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areas of popular support for the resistance has been accompanied by the burning of family homes and possessions, slaughter of livestock, and physical brutality against those reluctant to depart. There have been reports that persons who have refused to leave have been shot as an example to others. Resistance forces frequently report the use of indiscriminate fire by the Sandinistas in counterattacks, leading to the deaths of numerous civilians.

-- A Nicaraguan employee of the United Nations, Javier Ivan Blandon, disappeared while on a visit to Managua in January 1985. We understand he had come into conflict with the Sandinistas over his travel documents. Blandon's body was later returned to his family in a sealed coffin, with the official explanation that he had been killed in an Air Cubana crash. His name was on a passenger list shown to the family. Baldizon states that Blandon was murdered by State Security, and that the cooperation of the Cubans was enlisted in having his name added to the passenger list of a recent airline crash.

-- Martha Lidia Murillo Vallejo, a nine-year old from Jinotega, related to Honduran authorities that her father was shot by the Sandinista military in November 1984 while he and the family were picking coffee. The reason: he had refused to join the military. The rest of the family, including children, fled from the scene and were also killed. Martha escaped and hid with her uncle, who later took her to the Honduran border. There he was shot by Sandinista soldiers, and Martha was bayoneted in the neck. When she regained consciousness, she was hit in the head with a rifle butt and left for dead. She was found by resistance forces, who carried her to a nearby home. The facts of the massacre were confirmed by an official from Jinotega.

-- In July 1985, Sandinista soldiers near San Isidro reportedly tortured to death Ismael Cantarero because he refused to join the Patriotic Military Service. Cantarero's hands and feet were cut off.

Although the incidents related above represent only a fraction of the evidence available concerning the deliberate violation of basic human rights by the Sandinistas, there has been remarkably little publicity given to these abuses. Indeed, several reports from private human rights organizations and activists either ignore entirely Sandinista abuses or dramatically understate the significance of those abuses. Statements by Baldizon and other Sandinista defectors indicate that this imbalance is at least partially a result of a skillful, highly-organized official disinformation program.

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Mateo Guerrero, a former Executive Director of the Sandinista-sponsored human rights commission (CNPPDH) who has received asylum in the United States, has publicly discussed the way in which that organization has evolved into a propaganda tool for the regime. While the CNPPDH has always faced serious restrictions on its ability to investigate allegations of official abuses, in January 1985 CNPPDH was specifically ordered by the Foreign Ministry to cease any further efforts to do so. Guerrero further states that on several occasions reports actually written by the Foreign Ministry were published as CNPPDH documents. CNPPDH was instructed to lend full assistance to persons or groups favorably disposed to the regime who were preparing human rights reports.

In the case of Reed Brody, a New York attorney, this assistance included the payment of all expenses, including food and lodging, provision of a chauffeured car, arrangement of all interviews and provision of a list of "appropriate" cases for investigation. Mr. Brody nevertheless explicitly stated in his introduction to the study "Attacks by the Nicaraguan 'Contras' on the Civilian Population" that, although the idea for the report was conceived by the law firm of Reichler and Appelbaum (a registered agent of the Sandinista regime), neither he nor any other member of the investigations team received any form of compensation or reimbursement for their expenses, travel and living expenditures having been paid by the team members themselves. Brody's disclaimer conceded only that the team stayed in a house belonging to the regime for "part" of the visit and had used office space provided by CNPPDH. Another defector has stated that Brody selectively edited his evidence to eliminate any statements supportive of or favorable to the resistance. As a rule, inquiries to the CNPPDH and other official agencies from human rights organizations concerning allegations against the regime are satisfied by providing deliberately false information deflecting or significantly mitigating the charges.

In an effort to ensure the "correct" ideological perspective within CNPPDH, two purges of membership have been engineered by the regime. By 1982, many of the original members were replaced, in some cases because their defense of human rights per se was too vocal and too independent. Edgar Macias, a leader of the Popular Social Christian Party, went into exile after being labeled a "U.S. intelligence agent." He was followed by Ismael Reyes Rojas, president of the Nicaraguan Red Cross, whom the Sandinistas accused of embezzlement and counterrevolutionary activity. In July 1985, following Guerrero's defection, the entire membership was changed. The new members were all staunch supporters of the FSLN.

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In further illustration of the CNPPDH's role as a propaganda arm, we note that in 1984 only two reports were issued, both of which addressed only allegations of resistance abuses. Concerning the regime, the documents stated only that it "was operating under a declared state of emergency." In 1985, no reports had been issued as of August. On the other hand, if the CNPPDH does not carry out investigations into abuses, it does play a vital role in meeting with foreign delegations for the purpose of denouncing the resistance. In January 1985, Alejandro Bendana of the Foreign Ministry announced to CNPPDH members that he would personally direct the group's activities in order to promote an international offensive by the Sandinistas to denounce alleged abuses of the resistance.

Baldizon adds counterpoint to Guerrero's report, stating that the CNPPDH was routinely denied access to any information concerning official abuses. He explained that his own extensive investigations were used to create elaborate cover stories, precise to the detail, which explained away Sandinista atrocities by showing the victims had fled to other countries, been killed by the resistance, or been killed while escaping. In a few instances, for the sake of credibility, individual soldiers were "found guilty" of abuses and brought to justice in show trials at which they received lengthy prison terms. (Baldizon states that these men were later quietly released, after attention had subsided, and sometimes were given government jobs in other areas of the country.) Such disinformation has been regularly disseminated to international human rights organizations.

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HUMANITARIAN ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE

On August 29, 1985, the President signed Executive Order 12530 creating the Nicaraguan Humanitarian Assistance Office (NHAO) for the purpose of disbursing $27 million in humanitarian aid to the Nicaraguan democratic resistance. On September 9, the President designated Ambassador Robert W. Duemling as Director of NHAO.

The NHAO staff consists of the Director, five supervisory and two clerical personnel, all detailed on a non-reimbursable basis from federal agencies (State, AID and USIA), with the exception of the Director, whose salary is reimbursed to State from the humanitarian assistance program funds. Office space in a government-leased building is charged to program funds, but furnishings and equipment have been borrowed at no charge. Administrative support, including legal advice from the Office of the Legal Adviser, is provided by the Department of State.

The Executive Order assigned responsibility for policy guidance to the Secretary of State and his designees. The Secretary has established a Senior Inter-Agency Group, chaired by the Under Secretary for Political Affairs, to establish basic policy and exercise oversight of NHAO activities; policy guidance for day-to-day NHAO operations is provided by the Assistant Secretary of State for Inter-American Affairs, who chairs an inter-agency group that assures effective coordination.

As a matter of policy, the United Nicaraguan Opposition (UNO) was designated to be the initial recipient for humanitarian assistance distributed by NHAO. UNO is an umbrella organization which brings together the largest number of anti-Sandinista political and paramilitary elements. It is led by Adolfo Calero, Arturo Cruz and Alfonso Robelo; its principal components include the Nicaraguan Democratic Force (UNO/FDN), the Armed Forces for Revolution in Nicaragua (UNO/FARN), and a coalition of Atlantic Coast Indians and Creoles (UNO/KISAN). Using UNO as a conduit for assistance serves the policy objective of encouraging cohesion within the democratic resistance; it also simplifies administrative procedures and restrains administrative costs.

METHOD FOR FUNDING

NHAO is disbursing funds for four basic categories of goods and services: food, clothing, medicine and medical care, and equipment. NHAO also provides funds for transporting supplies to the field.

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Funds for these goods and services are being provided to UNO through a series of grants, each of which obligates a fixed amount of humanitarian assistance funds for the use of UNO, subject to certain terms and conditions. While the grant gives UNO a conditional legal entitlement to the funds, NHAO retains actual possession of the funds and administers their disbursement. To date, three major grants totaling $5.5 million and a smaller grant of $25,000 have been issued. Once a grant has been issued, UNO identifies the goods or services it needs and a suitable vendor, and negotiates the terms of a proposed sale to UNO. These terms are set forth on a pro forma invoice which UNO submits to NHAO. The pro forma invoice is reviewed by NHAO to ensure that the goods or services are humanitarian assistance within the meaning of the law, and that the payment requested is appropriate for value received. NHAO also monitors the quantity of items, to assure against an oversupply so substantial as to suggest a possible risk of diversion. If the proposed purchase is approved, NHAO authorizes UNO to make the purchase. NHAO signals its approval to the vendor through issuance of a letter of commitment. After shipment or delivery has been verified, NHAO pays the vendor directly from UNO grant funds.

Monitoring and verification of procurement and delivery take several forms, depending on location. Within the United States, NHAO representatives are able to make on-site inspections of supplies as they are aggregated for shipment to the field. To monitor supplies and services contracted and delivered abroad, NHAO relies on reports from all available sources to confirm that actual transactions conform to the relevant documentation.

DELIVERY INCIDENT

On October 10, an UNO charter flight paid for by NHAO and carrying supplies purchased under NHAO auspices landed apparently without permission in Tegucigalpa, causing the Honduran Government to take custody of the cargo. Discussions between the American Embassy and the Honduran Government resulted in the cargo being released and returned to the United States.

SUMMARY OF PAYMENTS

Following is a summary of NHAO disbursements and commitments to pay, through October 31, 1985.

1. NHAO Grants to UNO (to be disbursed through letters of commitment)

Grant 601 - $1,000,000 (Issued October 3, 1985)

Grant 602 - $1,500,000 (Issued October 15, 1985)

Grant 603 - $3,000,000 (Issued October 29, 1985)

Total - $5,500,000

In addition to the above three grants for food, clothing and medical supplies, NHAO issued a small fourth grant signed October 17, 1986 for $25,000 (Grant 641-001) to fund an UNO office in Washington, D.C. The grant stipulates that the activities of that office must be strictly limited to the provision of liaison services between UNO and NHAO to facilitate the operation of the program. This liaison office grant differs from the other three in that it permits UNO to receive a small advance payment of cash to cover administrative expenditures, which expenditures must be documented and justified before further cash advances are made.

2. UNO EXPENDITURES FROM GRANTS THROUGH 10/31/85

Total Humanitarian Assistance.....$4,660,928

Food	$1,257,189
Clothing	$2,070,807
Medical	$553,421
Equipment	$639,561
Transport	$139,950

Total UNO Liaison Office Expenses.....$7,500

NHAO EXPENDITURES THROUGH 10/31/85

Total Administrative Expenses.....$23,640

Direct Personnel Costs	$13,374
Travel	$4,800
Office Rent	$3,666
Telephone toll calls	$1,200
Miscellaneous	$600

GRAND TOTAL.....$4,692,068

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APPENDIX 4

Biography of Ambassador Robert Werner Duemling, Director, Nicaraguan Humanitarian Assistance Office

The Nicaraguan Humanitarian Assistance Office was established by Executive Order 12530 signed by the President on August 29, 1985. The President designated Robert Werner Duemling as Director of the Office on September 6, 1985.

A career Foreign Service Officer, Mr. Duemling served as Ambassador to Surinname from 1982 to 1984, and thereafter has been attached to the Management Staff of the State Department. From 1981 to 1982, he was Chief of the National Contingents Section of the Multinational Force and Observers (Sinai). He was Deputy Chief of Mission in Ottawa from 1976 to 1980. In the Department, he was Executive Assistant to the Deputy Secretary of State from 1974 to 1976. He served in Japan for four years beginning in 1970, most of this time as Chief of the External Political Section in Tokyo. From 1966 to 1970, he served in the Department's East Asian and Pacific Affairs Bureau. Mr. Duemling began his Foreign Service career in 1957. His early assignments included Rome, Kuala Lumpur and Kuching. Before joining the Foreign Service, he was a lieutenant in the United States Navy from 1953 to 1957, and was an instructor at Yale University from 1952 to 1953.

Mr. Duemling was born February 8, 1929, in Ann Arbor, Michigan. He received a B.A. (1950) and M.A. (1953) from Yale University, and was a Henry Fellow at Cambridge University in 1950–51. He is married to the former Louisa Copeland Biddle.

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APPENDIX 5

COMMENTS OF NICARAGUAN DEMOCRATIC FORCE PANEL ON THE BRODY REPORT

1. The following comments on the report entitled "Attacks by the Nicaraguan Contras on the Civilian Population of Nicaragua," by Reed Brody, are the result of seven hours of discussion of the report with a panel of Nicaraguan Democratic Force (FDN) Field Personnel. The procedures adopted were to read to those participating the text of the Brody report description of each incident (informally translated into Spanish as we went along), and then to note down their comments as to whether they could identify the incident, which forces were involved, whether the description of the incident was accurate or not, and if not, in what respects it was inaccurate. Comments on Misura actions are based on general knowledge, although a member of the Misura Political Commission who served for a time as Intelligence Officer of the Misura Military Staff was consulted on specific points.

2. General Comments:

A. Actions attributable to "Suicida": "Suicida" was an FDN Commander who operated in the northern section of Nueva Segovia Department from approximately mid-1981 to July or August of 1983. Six of the 18 individually-numbered incidents in the report which occurred in areas where the FDN operates were carried out by troops under "Suicida's" command. Incidents in the report attributable to "Suicida" for the most part are not reviewed in any detail since "Suicida" has been detained and punished for his criminal activities.

B. Autonomous Groups: Particularly in the 1980-1982 time frame, there were a number of autonomous armed bands operating in northern Nicaragua, as well as in the mountains east of Boaco, who were unaffiliated with any other armed group. These bands, in some cases remnants of the very first armed opposition to the Sandinistas, the Milicias Populares (MILPAS), which were active in 1979 and 1980, but had been wiped out for all practical purposes by 1981, are still present on a small scale. One such group is identified in the specific comments which follow as probably responsible for a series of the reported incidents.

C. Equipment constraints: There are a number of instances in the report, in which FDN or other insurgent forces are described as using weapons or equipment which they do not possess. There are citations of some weapons that have never been in the FDN's inventory (e.g., RPG-2 grenade launchers),

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and a number of citations of FDN use of heavy concentrations of support weapon fire (mortars, RPG-7, M-79, machine gun) after July 1984, at which point the FDN was essentially out of ammunition for these weapons. Similarly, there are frequent references to the use of bayonets or knives to kill or mutilate victims. Entirely aside from the fact that this runs against the policies of the FDN as an organization, FDN troops are normally not equipped with either bayonets or combat knives.

D. Word Games: The frequent claims of kidnapping that run throughout the report constitute the best example of misuse of words. The FDN does take prisoners, whom they normally either release as soon as operational conditions permit, or who voluntarily join the FDN ranks. The principal point which should be made is that there is nobody in the FDN who is there against his/her will--it is an entirely voluntary organization. There are, from time to time, personnel confined for disciplinary reasons, but this does not alter the point. Particularly after issuance of weapons, there is essentially nothing the FDN can do to preclude someone who decides he no longer wants to be there from walking away.

E. Defended Localities: Throughout the report, defended localities are portrayed as innocent villages and FDN attacks are depicted as attacks on innocent civilians. In some cases, the attacks portrayed in the report as attacks against innocent civilians were not only attacks on defended localities in which the FDN captured significant quantities of weapons (substantially more than the minimal numbers of defenders frequently cited in the report), but in fact attacks against semi-permanent base areas of Sandinista battalions. These instances are cited in detailed discussion the paragraphs below.

3. Specific Incidents:

A. Namasli, 18 Jan 83: A truck ambush carried out by troops under the command of "Suicida". Several points are worth mentioning: There is an open acknowledgment that "at least two" of those in the truck were armed; there is a reference attributed to the statement of Elba Bucardo in which she is quoted as saying "the companeros told us to hit the floor," which is a use of the term "companeros" in a context in which it refers to Sandinista military personnel; and there is a reference to non-existent weapons (12 inch rockets) doing something implausible (landing in the truck and failing to detonate).

B. Telpaneca, 4 Dec 1984 - Truck Ambush: According to the information available to those on the panel, the account in the Brody report starts out with a major evasion: whereas the report says that "the group had assembled in Condega," what actually happened was that the group underwent eight days of

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military training at the Condega Military Base before undertaking the trip north. The kidnapped young woman referred to as "Doris" in the Brody Report related what she had previously told an FDN commander, stating that 30 of the 32 persons in the party were issued weapons, which the FDN captured. In addition, Jorge Luis BRIONES Valenzuela, one of those whose statements Brody cites to support his case, was captured, treated for wounds, and subsequently released by the FDN, a point which either Briones or Brody chose to omit. The panel members deny categorically that rocket fire was used against the truck (no ammunitions) or that Sandinista casualties were bayonetted (no bayonets), mutilated, or burned alive. While they regret the death of the hitchhikers, they consider the ambush to have been carried out against a valid military target.

C. Agronica Farm (Felipe and Maria Barreda), 28 Dec 82. Action carried out by units under the command of "Suicida". The "deeply religious" Barreda couple were senior officers of the Directorate General of State Security (DGSE) in Esteli , and after finally confessing to this fact, were executed on "Suicida's" orders after the Nicaraguan Embassy in Honduras refused to consider an offer to exchange them. They were not tortured. Panel cited numerous other examples of false statements or proofs of their points in the Brody document:

(1) Fact that Jeep used by coffee pickers had two-way radio is demonstration of security service connection. FDN has not encountered two-way radios in any vehicles except those of the Army or State Security.

(2) There is mention of use of handcuffs and blindfolds in march to the rear. FDN has few or no handcuffs in inventory, and never blindfolds prisoners during marches because it is literally impossible for them to proceed under those conditions. The Barredas may have been handcuffed at the camp, but it is unlikely to have been the case on the march.

(3) There are no locations where Honduran troops and FDN troops are intermixed, and there are no Honduran border posts along the line of march taken by the detachment.

(4) There were no tents in any of "Suicida's" camps.

(5) There were no non-Nicaraguans in any of "Suicida's" camps. The references to non-native Spanish speakers have no foundation.

(6) The allegations of throat-cutting are also unfounded. As a matter of policy, the FDN does not attempt to

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execute attempted deserters in any fashion, particularly by cutting their throats. The fascination of the Sandinistas with this subject is probably a carry-over from their own history--the "Corte de Chaleco" and the "Corte de Corbata," two artistic versions of throat-slitting, were inventions of "Pedron" Altamiranu, one of Sandino's generals.

(7) The four remaining coffee-pickers did not escape--the FDN made the call to the Nicaraguan Embassy to come pick them up. The major distortions in the stories of the four remaining coffee-pickers may be due to the fact that they were released by the FDN rather than escaping, making them prone to invent many details of their account to conceal this fact. The FDN would not have taken them to Danli unless they had intended to release them.

(8) The major propaganda issue made out of the Barreda couple by the Sandinistas is attributed by the members of the panel to the fact that the Barredas were personal friends of Bayardo ARCE Castano, head of the Political Commission of the Sandinista Directorate. Arce and other members of the FSLN Directorate, as well as senior military and state security officials, always stayed in the Barreda's home when visiting Esteli, and the home was usually under armed guard by personnel from the military detachment located down the street.

D. La Sorpresa, 14 Nov 84: Attack on a "defended locality", the garrisoned State farm of La Sorpresa, located 45 km north of Jinotega, by what Brody describes as a 400- to 600-man force. The attack was actually carried out by 120 men. In the original FDN action report, the post was described as being guarded by 60 EPS troops, and at the conclusion of the action, the FDN had captured 38 AK-47 assault rifles, eight M-1 rifles, two Czech VZ rifles, 9,500 rounds and 80 magazines for the AK-47's, 2,000 rounds for the M-1's, 30 packs and additional quartermaster supplies. The FDN reported killing 28 Sandinistas and wounding many others, as well as causing 35 casualties to a column of Sandinista reinforcements which came from the nearby Abisinia. In the overall action, the FDN had four dead and three wounded. This is obviously very different from the description in the Brody report which has the post defended by only 20 civilians (but defended, nevertheless). The members of the panel explained that the La Sorpresa State farm was at the time the headquarters of two companies of the Miguel Angel Ortiz Special Forces Battalion (BLI), the remainder of which was based down the road at Abisinia. They also mentioned that La Sorpresa and Abisinia were permanent military installations, occupied by EPS troops as well as local defenders even when not being used as patrol bases by one of the rotating series of BLI's which had been assigned to the area. They cited a photograph which had appeared in either

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El Nuevo Diario or Barricada immediately after the action, in which a 16 year old armed with an AK-47 was identified as a defender of La Sorpresa who boasted of killing lots of Contras over the months he had been assigned there. The members of the panel also noted that the Brody report cited use of "79 mm grenades" (presumably 40 mm grenades for M-79 grenade launcher, which the FDN had been out of since mid-1984); mortar rounds which the FDN did not have; RPG-2 rockets which the FDN has never had; RPG-7 rockets which the FDN has been out of since mid-1984; and again the very liberal use of bayonets and knives which FDN troops generally do not have. The panel acknowledged that they had heard the head of the operation say, with considerable regret, that a woman and child had been killed when they ran into the field of fire of FDN troops who were firing at a Sandinista soldier. Regarding the Miskitos at La Sorpresa (who according to the Brody report had been "resettled" there, but whom the FDN said were being held as prisoners). The members of the panel noted that it is possible that they were asked to carry the two FDN troops who were killed at La Sorpresa itself. They knew of two Miskitos from La Sorpresa who are currently FDN combatants, and noted that about 30 Miskitos had taken advantage of the attack to flee from La Sorpresa, although they had not left with the FDN troops and were still loose in the area. They said that the total number of Miskitos being held at La Sorpresa and adjacent State farms was about 700. Regarding the subsequent ambush of nine Sandinistas in a Jeep as they headed for La Sorpresa to review the damage, the members of the panel noted with considerable satisfaction that the senior person on the Jeep, Ronald Paredes, was the zonal delegate of the FSLN, that the Jeep was a marked DGSE vehicle (letters "DGSE" painted on side), that all nine aboard were armed and their weapons were captured, and that rather than feel any apologies were due, they considered the action a notable success.

E. La Estancia, 1/ Oct 82: Action carried out by troops under the command of "Suicida".

F. Sumbila, 17 April 84: Sandinista distortion of this incident was well-described in the article entitled "Manipulating the Miskitos", by Joshua Muravchik, which appeared in the 6 August 1984 Edition of "The New Republic". There is no additional knowledge of the incident, other than the observation that describing the exodus of Miskito peoples as "kidnapping" is intellectually dishonest.

G. Bocana de Paiwas, August 1981-November 1984: This section of the Brody report details a series of 9 incidents in the general area of Bocana de Paiwas between the above dates. The members of the panel pointed out that the FDN did not enter the area of Bocana de Paiwas (which is in the southeastern corner of Matagalpa Department) until April 1983,

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which excludes the first four of the nine incidents reported. The panel explained that since the outset of the Sandinista regime, there have been unaffiliated armed bands operating in several rural areas of Nicaragua, mostly the remnants of the "MILPAS" resistance of the first year of the Sandinista government. The "MILPAS" (acronym for "Milicias Populares," as well as being the word signifying small plot of corn) were the rural groups raised to support the popular insurrection against the Somoza government. Many refused to put down their arms when it became apparent to them that the Sandinistas were going to steal the revolution (although in the first year of the Sandinista government this was more of a personal than ideological issue--the MILPAS wanted to be considered, and were not). The Sandinistas portrayed the MILPAS as ultra-leftists and Trotskyites, successfully diverting international attention from their small-scale struggle, and had largely succeeded in wiping them out by late 1980. Some of them eventually joined the FDN (the group of FDN commandantes descended from "the First Dimas" are the largest single group of FDN commanders with a common origin, and all came from the same MILPAS band--"the First Dimas," who was killed some time in 1982, was the Sandinista Commandante who took Quilali during the Sandinista insurrection, became an EPS commandante, subsequently left to join the MILPAS after the anti-church coloration of the FSLN became apparent, and eventually joined the 15th of September Legion. About a dozen of his followers--all peasants from the Quilali and Ciudad Antigua areas who had been with him since the insurrection against Somoza--are today commandantes in the FDN). One of the unaffiliated groups, led by a man known as "Domingon", is still active in extreme southeastern Matagalpa, but has never had contact with the FDN. "Domingon" was described as originally being from Esquipulas, Matagalpa, and as having originally been a Sandinista. However, for unclear reasons, a Sandinista force killed his wife and one son in 1981, and "Domingon" and two of his other sons took to the hills. They now lead a band of about 40 men armed with shotguns and captured rifles, and operate in the areas of Esquipulas, Pueblo Viejo, San Jose de Las Mulas, and Cerro Musun, having occasionally ranged as far as Matiguas. There are other groups that the FDN knows less about--one, for example, is said to be led by a witch doctor (Brujo). In any event, the panel suggested that the four incidents before the FDN entered the area, as well as the 15 Oct 84 actions near La Paila and some of the series of incidents in late August 1983 (which they cannot otherwise identify) may have been carried out by "Domingon" or others.

The incidents in late August 1983, attributed to a "band of 350 Contras and 150 kidnapped civilians", are too difusely described to identify. There were FDN forces which had begun to operate in the area in small groups around May and June 1983, and larger groups were in the area later in the year.

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However, the panel was unable to identify any of the locations mentioned as areas where FDN forces had been active.

The Christmas Eve incident at Comarca Calderon, Zelaya Department. A possible reason for the distortions by Brody's informants is that the persons who were taken to the militia post by the FDN voluntarily cooperated in a deception which allowed an FDN official to walk up to the Sandinista Lieutenant in charge, shake his hand, and introduce himself as "a member of the FDN"--at which point, understandably, a firefight broke out. It was not a failure, as reported by Brody, but a success, in which the FDN captured 13 M-16 rifles and an unrecalled number of Czech VZ's. The FDN did not kill the people who had cooperated with them in this successful operation, and in fact those on the panel did not think either of them had been killed in the firefight, although they had no personal knowledge of this.

The incident in El Jorgito on 13 May 1984 is also well-known within the FDN as a very large success. It resulted in a very large capture of weapons. What Brody reported as a group of unarmed civilians gave up 86 Czech VZ-52 rifles, nine AK-47's, one M-79, and 12,000 rounds of ammunition. The group attacked was the leadership of Battalion 25-14, and among the dead were the battalion political officer (who was a Honduran), the third in command, one company commander, and one platoon leader. It is correct that a party had taken place in the battalion headquarters building the night before, but the attack took place at 0500 and caught mostly those who had passed out in the headquarters building. The FDN saw no women or children at all. Occas on for the party had been the premature celebration of delivery of the unit's heavy weapons (machine guns, RPG-7's, and mortars), which was scheduled for the next day.

The 15 Oct 84 incident at La Paila could not be ide..cified by the panel. The only incident they could recall in the vicinity of La Paila was an ambush of convoy of buses that were empty, returning from having delivered patriotic military service draftees to the Mulukuku Training Center.

One of the FDN panel members remarked that the account of cattle taken from State farms was quite correct, although the numbers might be high. The FDN makes every effort to pay private owners for cattle, but with the funding constraints they presently have, they have come to depend heavily on State farm cattle herds for food. They feel no obligation to pay the Sandinista government for the cattle.

B. Jalapa, July 1982-June 1983: This was the center of "Suicida's" area of operation. The account of Sister Fitzgerald, claiming that she and other priests and nuns

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working in Jalapa had been named and threatened over radio 15 September, was investigated and the claim was shown to be without foundation. Another citation, the ambush of a party of journalists who were returning by road from Jalapa, (they covered the visit of a number of Sandinista commandantes to Jalapa, who did not travel by road) was reported previously. Sandinista Army spokesman Captain Roberto Sanchez was one of those wounded in the attack, and there was considerable suspicion that the Sandinistas had deliberately set up the journalists.

I. Ocotal, 1 June 84: The civilian casualties were the result of Sandinista air and artillery attacks on the FDN forces in the city. The Sandinistas mounted an effective propaganda show to seek to claim that the attacks were against civilian targets, but slipped when their own news photographs, published in the Sandinista press, showed the mistreatment of the corpses of the 12 FDN members who died in the attack on the State Security Headquarters. (Similar mistreatment of corpses took place in the "Operation Marathon" attack on Ocotal a year earlier, when the Sandinistas, thinking that an FDN officer they had killed was Fernando "El Negro" Chamorro, who he resembeled, dragged his body through the streets of Ocotal behind a truck). The targets attacked were all State-owned, and the Enabas Silos in particular were military-controlled. The grains in the silos were supplies for EPS forces in the areas, not for the civilian population. The frequent mention of Enabas as a "civilian" target also indicates either misunderstanding (or perhaps approval) of the role of Enabas in the forced socialization of the Nicaraguan peasants, which has resulted in it being possibly the single Nicaraguan government agency most hated by the largely peasant FDN. The mechanism is really quite simple: by law, Enabas is the only authorized purchaser of farm produce. It pays prices below the production costs of independent peasant farmers. This forces them either to join Sandinista collective farms or to sell their produce illegally, usually to the FDN, but also on the internal black market. This exposes the peasants to confiscation of their property by the Sandinistas, either for assisting the FDN or for economic crimes (black market). Whatever the reason, it forces them off their private plots, with some becoming refugees but many more joining the FDN as combatants. In short, Enabas is not only a valid, but a favorite target of the FDN.

J. Rancho Grande, 25 March 1983: This incident resulted in the death of French physician Pierre Grosjean. Grosjean was reportedly wearing a military uniform. In its discussion of the incident, the panel of FDN field commanders explained: the FDN force attacking the town was compromised by an accidental discharge of an M-79 grenade launcher while still more than a kilometer from town, and never entered the town.

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The FDN force had no mortars with it, and the mortar fire which Brody's version of the report says killed Grosjean came from the Sandinista defenders, not the FDN.

K. El Coco, 18 Dec 83: This was an attack on a fortified State farm . The original action report noted 20 Sandinistas killed in action and 61 AK-47 rifles, as well as 3 M-1's, captured. The panel noted that there was very heavy fighting over the farm, with the defending forces (including reinforcements from the Santos Lopez BLI from nearby San Bartolo) using 82mm mortars, RPG-7's, and heavy machine guns, whereas the heaviest weapon the FDN had was one 60mm mortar. There were no FDN personnel captured, contrary to the assertion of the Brody report, although several were killed (original report cites overall three KIA and five WIA for a series of actions in the general area). This was clearly a military target, with some civilians undoubtedly killed in the crossfire, particularly by the heavy Sandinista mortar fire. The members of the FDN panel observed that their forces spent no time in the farm location other than that required to gather up weapons left behind by the Sandinista defenders, and therefore could not have carried out abuses against civilians, even if they had been inclined to, which they again pointed out that as a matter of both principle and policy, they were not.

L. El Jicaro. October 1982 - October 1984: Most of the incidents in this section took place when "Suicida's" forces operated in this area. However, those incidents reported after mid-1983 were a bit of a puzzlement to the members of the panel. The Task Force, transited portions of the area in late 1984, but this was after the major shortages were being felt, and the Task Force has no mortars at all. The attack on Susucayan on 11 Oct 84, which per Brody featured mortar fire, is thus inconsistent with the known limitations affecting FDN units, as is the 29 Oct 84 attack on the Santa Julia Cooperative.

M. Jacinto Hernandez Cooperative, 16 Dec 1983: This action, was part of a three-day running battle between FDN forces and EPS Battalion 38-21. The panel recalled that 10 AK-47 and 14 MI-1 rifles had been captured at the State farm.

N. Northern Jinotega, January 1982-November 1984: According to the panel, this series of incidents begins before FDN forces were present in the area, which was not until approximately November 1982, and then only in small three-man groups. Of the subsequent incidents, the panel could not identify the 25 April 1983 attack on two Unag organizers in Vijagual (correct spelling), or the September 1983 attack on Bana. The December 1983 attack on Wamblan was a failure. The February 1984 attacks on the Mollejones and Georgino Andrade State farms could not be identified by the panel, but they

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noted that all the State farms in Jinotega have permanently-assigned EPS officers and NCO's in charge of their defense, and that the FDN normally attacks them to collect weapons. The 23 March 1984 incident is viewed by the panel as implausible, because 23 March was the date when all FDN forces in the Jinotega area were concentrated in the western portion of the area for the attack on San Rafael Del Norte. The 8 April attack on the Las Colinas State farm was actually on the headquarters of the battalion 60-31, and resulted in the capture of a total of 50 AK-47's and one M-60 machine gun (the panel particularly recalled that 28 of the AK-47's were brand new, and were considered valuable prizes by the FDN troops). The attack was incidentally made by an 80-man unit of the Task Force, not 400 men as claimed by Brody. They also commented that the two cases described of mutilation sounded very much like the consequences of hand grenades going off in the confines of fighting positions. None of the other northern Jinotega incidents could be identified.

O. Bernardo Diaz Ochoa State Farm, 18 Nov 1984: The panel was struck by the introductory paragraph of this account, which detailed an hour and a half firefight with a truckload of unarmed people. The panel members said that FDN troops were not that stupid, and could usually tell when they were being shot at and when they were not. As for the attack on the State Farm itself, the panel members could not identify the specific action (the applicable action reports record a number of incidents in the area in the approximate time frame, but none on the specific date or at the specific location). The panel noted the clear acknowledgement that the State Farm was a "defended place", and observed that the FDN was once again credited with using "mortars, machine guns, and rockets" which they did not have.

P. Siuna, August 1982-November 1984: The series of incidents was (if genuine) carried out by Misura forces, and we have been unable to consult any Misura commanders in order to seek to identify any of the incidents. There is at least one which appears to have no basis in fact: Father Blandon claimed to have encountered an 1800 man insurgent force in January 1984, some of whom claimed to be Honduran and wore Honduran uniforms. We also note that Brody's "affidavits" cite use of profanities which do not exist in Spanish. The accounts also have Miskito insurgents, who by October 1984 (the date in question) seldom even had boots, doing random sniping in Siuna with mortars.

Q. San Jeronimo, 16 May 1984: The locations cited in the Brody report were defended localities, weapons and ammunition were captured, and other military gear as well. The subsequent attack on the Palacaguina Enabas Silos followed the reasoning of the previous attacks on the facilities, outlined

above, and Father Oggier was undoubtedly correct in saying that he saw people trying to gather up what was left--the FDN units reported that despite the fact that the silos were bulging, the people in the area were experiencing shortages, and that all the material in the silos was intended either for export from the region or for the EPS.

R. El Castillo Norte, 15 May 1984: An arms warehouse was destroyed, 57 AK-47 and one M-60 machine gun was captured, and 14 of the EPS defenders joined the FDN ranks. This is quite a contrast with Brody's claim that El Castillo had only 14 civilian defenders. The panel of FDN field personnel made the same points, describing El Castillo as a trenched and heavily defended cuartel, at which they recalled having captured over 40 rifles. They dismissed as beneath comment the particularly bloodthirsty allegations of atrocities.

S. San Juan De Limay, 8 Jan 1985: This incident, which included two detentions of Sister Nancy Donovan, was extensively discussed. The only real allegation contained in Brody's account is that innocent civilians were killed, which was not the case, because the only persons killed were described as armed personnel who attempted to run the roadblocks set up by the FDN forces.

T. Cepad/Telcor Ambush, 1 Sept 1984: This was a Miskito action.

U. Ambushes in El Cua, October 1984: The acknowledgment that "almost everyone in the caravan was armed" is self-explanatory. It is incomprehensible that the Sandinistas should attempt to claim protection of civilian status while carrying military weapons.

V. Individual kidnappings: None of the six individual kidnappings can be identified, although a common feature of all of these is that to "escape" simply means to walk away.

W. Mass kidnappings on the Atlantic Coast: The Francia Sirpe description is at particular variance with the accounts of both Bishop Schlaefer and the other religious who accompanied him. In general, there is little point in debating accounts of the Miskito exodus which refer to mass kidnappings because they bear little relation to reality.

X. Seven rapes: With the exception of Digna Barreda and Mirna Cunningham, none of the incidents can be identified. We have pointed out previously the wide variation in accounts of the Digna Barreda incident, all supposedly quoting her. These variations in the major features of the incident, as well as her relationship to the Barreda couple, makes her account suspect. Mirna Cunningham's rape is well-known, and was one of the causes of the split between Steadman Fagoth and Brooklyn Rivera--Rivera defended the culprits after Fagoth had ordered them punished, and the commander of the unit which participated, who still is part of Rivera's entourage, was one of the causes of the failure of Rivera's visit to Honduras during his negotiations with the Sandinistas--Fagoth threatened to arrest the culprit if he came to the Mosquitia, and Rivera refused to separate him from his group.

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